

THE TRUE
HISTORY
OF THE
CHURCH
OF
SCOTLAND,

From the Beginning of the
REFORMATION,

Unto the End of the Reign of
KING JAMES VIth.

Beginning 1560. and Ending 1625.

BY
Mr. DAVID CALDERWOOD,
AUTHOR OF
ALTARE DAMASCENUM

Printed in the Year, 1680.

(Second Edition?)

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To the R E A D E R.



THE Discipline and Government of the Church of Christ are undoubtedly to all considering Christians not only of Divine Institution; but also, in regard of their necessary, profitable and highly commendable use, as hedges and wals, to fence and secure the Doctrine and Worship thereof against all Irruptions and Intrusions of Impure Humane Inventions, how speciously soever pretending to shewes of Decency & Splendor; and possibly even to higher degrees of a more conceited and carnal than real and spiritual impressing Majesty: So that when breaches are made in the former, the later cannot be long kept saife, intire and pure, in their native and primitive Simplicity (wherein nevertheleß the Wisdom, Holiness and Power of God are in truth most illustrious) as sad experience in many if not all ages hath clearly and convincingly proved: And certainly, to call in question, let be down right to deny, that either Church-Discipline or Government is divinely Instituted, seemeth to be an high Imputation to, and deep reflection upon the Wisdom and Faithfulness of Jesus Christ, who as a Son, yea as a Soveraigne over His own House, is faithful, as Moses His Servant was, in all the House of God; as if He had left the Government thereof ambulatory, and alterable at the arbitrimt of secular Rulers, under strong temptations to be prejudged and byassed by their lusts and corrupt Interests, to the modelling of it so, as they mistakingly think in their depraved apprehensions may best sute the Nature and Constitution of their respective Civil Governments, and had given them a power, at their sole will and pleasure, without any Commission from Him, to determine what shall be the Government thereof; and to calculat it rather to the meridian of what they judge to be their own Civil Interest, than to the honour of the alone absolutely Supream Governour and Head thereof, or to the spiritual good, advantage and edification of the Church, the great end of all Divine Ordinances and Institutions, (as if it were not enough that our Lord had so fairly distinguished, unless they have also the liberty to subject, according to their unreasonable and various pleasures, the things of God, to the things of Cæsar; albeit, on the other hand, the sacred observance of that excellent distinction, and that with a grateful retribution of that preference, where-with our Lord was first pleased to honour them, would certainly prove their most wise, solide and advantagious Policy;) and to appoint such Orders of spiritual Office-Bearers therein, as Himself hath not Instituted and appoint.

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ed, and to whom it may be said, in Tertullian's words, *Qui estis? Quomodo & unde venistis? Quid in meo agitis, non mei?* At what a rate of rage and disdain would this be resented by the Powers of the World (who are all, even the greatest and most Sovereigne of them, but petty Reguli, and indeed lower and less significant, than these ridiculous ones of Ividot, when compared and coming in competition with Jesus Christ, the Prince of the Kings of the earth, and the alone King and Head of the Church) if they should by any, especially their own Subjects and Servants, be thus imposed upon? Can it be thought or asserted, with any the least shew or shadow of Reason, that Moses the Servant should have been so exact, particular & punctual, in describing & prescribing what relateth to the Government of the Church of the Jewes, under the Old Testament, and that Jesus Christ Moses's Master, a Son and Lord over His own house, should have been so altogether deficient, in setting down what concerneth the Government of the Christian Church, under the New Testament, as not to have determined so much as the very forme thereof, but left it utterly undetermined, and variable as many wayes, as the many and variable apprehensions of the Civil Rulers in the State should, according to the imagined advantages or prejudices of their secular Interests, suggest unto them. But it can abide very little debate with serious discerning Christians, that that forme of Government in the Church is uncontrovertibly best for Kings and Kingdomes, which most promoteth Religion and Righteousness, the very pillars of Thrones; which serveth most to preserve Godliness, Righteousness and Sobriety against their Contraries; which maketh the face of a Church most beautiful, and to shine most gloriously, not with worldly pomp, or with the splendour of humane Inventions, but with sound Faith, pure Worship, and Holiness of life; and which withal conduceth most for Truth & Peace against Heresie and Schisme: All which ends are, sure, better seen to, and much more easily attained by a particular forme of Government, that is of Divine Institution, and warranted by the Word of God, than by that, which is devised by the wit of sinful, fallible and easily prejudicated Men. We know, that to bear off this most just and weighty Reason, it will be clamoured here, That it is most highly congruous and futable to the Liberty of the Gospel-Church, wherewith Christ her Head hath made her free, that she should be exempted from such particular Injunctions and Impositions, in the most minute things, relating to the Government thereof, to which the Jewish Church, as in a sort of bondage, was subjected. But, beside that the forme of the Church her Government is not, nor can well be called, so minute and little momentous a thing; and that it be a very frivolous arguing to conclude, that because the Christian Church is relieved of the yoke of Jewish Prescriptions, therefore it is abandoned to an undefined liberty, contrary both to the Wisdom and Will of Christ: who hath manifestly settled it, under a more excellent, easie and far better adapted forme; is it not obvious to the Observation even but of very overby considerers, that are not blinded or byassed with prejudice or self-Interest, that under the specious and plausible pretext of Liberty, wherewith this allegation is palliated and plastered over, the Church of Christ, under the New Testament, many other more advantageous and comfortable wayes by Him made free, is usefully entangled into a yoke of most grievous bondage, as to her Government, beyond what the Church of the Jewes, under the Old Testament, was by the most particular and precise Divine Institutions and Impositions; being left (as such pretended Patrons of, and pleaders for Her Liberty will needs have it) quite destitute of any forme of Government of Divine Institution, and to be Governed very unskilfully and improperly, and for the most part very tyrannically, just as the arbitrement of the Civil Magistrat,

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within whose Dominions she in providence falleth to sojourn, doth dictate to him to be most quadrant with his own Politick Interest? Doth this look like the Church her Christian liberty indeed, even that liberty, wherewith the Son of God, her blessed Head, hath made her free? Sure, the Jewish Church under the Law had, at least in this respect, more true liberty, than the Christian Church under the Gospel hath; unless men shall unreasonably, if not Irreligiously and Impiously, think, that there is less liberty, & greater bondage, in being subjected to many, and most particular Divine Institutions and Impositions, than to as many, or even fewer, meerly humane ones, determinable and alterable at mens pleasure. Taking it then for granted (as it hath generally been in the Christian Church, without any great or stated controversie about it, till of late some men, and particularly some Ministers in this Isle, minding partly, as it is like, to gratifie the humore of Civil Rulers, itching after a Sovereigne Dominion over the Church, as well as over the State, and abhorring Christs Government in His own House, as Imperium in Imperio, as Court Parasites, particularly Ludovicus Molinæus, (who, amongst other evidences of his enmity to the Government of Christ, doth most bitterly snarle at, & inveigh against these Courts of Christ, the Assemblies of the Church of Scotland, mis-alleiging, & perverting some of the Acts thereof, in his Latine Book, intituled Parænesis ad Edificatores Imperii in Imperio, as will be evident in the following History) are pleased odiously to phrase it: As if all the Confessions of our Faith and Solemne Declarations, were of no force to remove this gross mistake and groundless jealousie, the very spring of these dangerous copings with Jesus Christ, the alone Head and King of His Church, of the Inconsistence of such two Collateral or Co-ordinat Powers, albeit conversant about different Objects and Ends, and quite distinct as to the Manner of their Administration, could avail nothing to the manifesting of our Christian Subjection to Magistracy, from the allowable rights whereof we desire not in the least to derogate; and partly unwilling to displease or disoblige the Lordly Prelates, newly re-introduced, and Jericho-like raised up againe, cross the dreadful Interdiction of the curse of the Solemne League and Covenant, indispensably and Irrelaxably obligeing all Ranks and Persons in these Lands, from the King that sitteth upon the Throne, to the meanest Subject; and liking vvithal to retaine the publick peaceable exercise of their Ministrie, vvith the annexed sweet morsel of the Benefice, and it may be, not vvithout hopes of Promotion to a better one, though it should be vvith vvinning of, submitting and conforming to, Prelatick Government, vvwhich probably they thought might othervvise have been looked at, as justly odious & abominable, considering all, that before the late Revolution had been, vvith much strength of Reason and Religion, spoken, vvritten and done, in these Kingdomes, against that Hierarchie and usurped Dominion of Prelats, and in favoures of Presbytery; These, Ministers, I say, have taken on them very confidently to assert an Indifferency of all sorts or formes of Church Government, and an arbitrary determinableness of the same by the Civil Magistrate, as may most satisfyingly to himself sute the forme of his Politick Government.) But taking it, as we have said, for granted, both from the demonstrable evidence of its necessity and use, and the certainty of its Divine Institution, (vvhich alone is enough to supercede all other arguments, not so fit neither to be particularly insisted on, in a short Epistle.) That there is a particular forme of Church-Government of Divine Right; It may humbly, to the commendation of Gods gracious condescension be affirmed, that, amongst all the Reformed Churches, none have found more favour in His sight, to be kept almost constantly and continually contending for the prerogatives of Jesus Christ, as King and sole Head of His Church, for the

Privileges graciously bestowed upon the Church, and for the particular forme and species of Government, settled by the unalterable Law & Constitution of her only Founder and Supream Governour, against the Powers of the Earth, and perfidious Apostatizing Church-men, and that from the very beginning, than the Church of Scotland (as this following History, being mostly a plaine relation hereof, will abundantly make evident) after she had been privileged with the establishment not only of pure Doctrine and Gospel-Worship, in the native simplicity thereof, according to divine Institution; but also of Discipline and Government, according to the New Testament Apostolick Patern, and that of the purest and most primitive times: Which some of the greatest Patrons & admirers of Prelacy have been constrained to acknowledge; as namely the Lord Digby, in his printed Letter to S. Kenelme Digby, hath this remarkable passage, containing in it, though not designedly (which makes it yet the more remarkable) a notable commendation of, and a noble testimonie unto, the Government of the Church of Scotland, purely Presbyterian, without Monarchical Episcopacy; He (said that noble Lord) that would reduce the Church now to the form of Government in the most primitive times, should not, in my opinion, take the best nor the wisest course; I am sure, not the safest; for he would be found peccing towards the Presbytery of Scotland, which, for my part, I believe, in point of Government, hath a greater resemblance, than either yours, or ours, to the first age of Christ's Church. And K. James VI. famous for learning amongst Princes, did, when free of his after-temptations and prejudices, and so in best case to be believed, gravely commend and bear testimony to the Reformed Church of Scotland, more generally, when in the open face of a Solemne National Assembly Anno 1590. a little after his return with his Queen from Denmark, he publickly thanked God, that he was born in such a time of the light of the Gospel; and that he was King of a Countrey, where there is such a Church, even the sincerest Church on earth, Geneva not excepted, seeing they keep some festival Dayes, as Easter and Christs Messe; what have they for them? as for our Neighbours in England, their Service is an ill mumbled Mess in English; they want little of the Mess, but the liftings. Now I charge you, my good People, Barons, Gentlemen, Ministers and Elders, that you all stand to your purity, and exhort the People to do the same; & so long as I have Life & Crown, I shall maintaine the same against all deadly. And more particularly, his Testimony to and approbation of Presbyterian Government, exercised in the Church of Scotland, appears plainely by the weighty reason he gave to an English Divine, enquiring with admiration, why our Church was never troubled with Heresie: For (said the King) if it spring up in a Paroch, there is an Eldership to take notice of it, and suppress it; if it be too strong for them, the Presbytery is ready to crush it; if the Presbytery cannot provide against the obstinate, in the Synod he shall finde more witty heads; if he cannot be convinced there, the General Assembly will not spare him. It is true indeed, that that Prince did afterwards by all meanes vigorously set himself, utterly to overthrow and crush that Discipline and Government, happily established in this Church, and highly commended and applauded by himself; being picqued by the necessarily called-for plaine, free and faithful dealing of the Ministers in Scotland, in some things that were cross to his humore and inclination, but greatly for the advantage of the Interest of Christ, and for the edification of the Church; and that his access to the Crown of England might be the more facilitated, by making himself gracious to the Prelates of that Church; whom he knew to have an inveterat and irreconcilable Antipathy with the Divine simplicity of the Worship, Discipline and Government of the Church of Scotland; And being belike withall disposed (which

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is alas! too readily and frequently incident to secular Princes) to encroach on the liberties of the Church, and to assume and exercise an undue Supremacy over her; to which he was not a little encouraged if not instigated by some Ministers, who being weary of the lowly, but lovely parity of preaching Presbyters, were Diotrephes-like ambitiously coveting a Prelation to and Prebeminence above their Brethren; and by some of the Nobles & great Men of the Kingdom, who were greedily gaping and grasping after the Revenues of the Church, which they could not so easily come by, unless there were some particular, and (as they were then called) Tulchan-Bishops kept in the Church (after they had been brought into the Church in K. James minority) who, being to some satisfaction of their lustful avarice and pride gratified with the Title, and with a little addition to their former maintainance, might the more easily let down the milk, & make a surer conveyance of the far greater part of the Benefices to the sucking Lords; & then, after these Tulchan-Prelates were, through the blessing of the Lord on the constant and faithful endeavours and opposition of the gracious and zealous Ministers of the Church of Scotland, wholly abolished, he was againe moved by some wicked, corrupt and Popishly affected Courtiers, to trouble the Church, (which was then carefully labouring to preserve the Purity of Religion, from Popish corruptions; and earnestly pressing him to withstand the designs of the Popish exiled Lords, who were seeking to returne;) and to put her upon the defence of her owne Privileges, by starting Questions about his owne power in Church-matters; whereby piece & piece he introduced his owne Supreamacy, by the connivance (at first) and underhand dealing, and (at last) by the open Apostasie of wretched Church-men, who sacrificed the prerogative of Christ, and the liberty of the Church, to the Court-lust. Hinc illæ lachrymæ. Hence was it, that our faithful and famous Ministers had so many, so various, so sore & so long continued struglings and wrestlings with that great Prince, and his Abettors in Church and State, to obtaine any Civil Sanctions, for the legal establishment of the Discipline and Government of this Church; and to preserve and maintaine the same against the more frequent, more cunning and covered, and the more violent and open Assaults and Invasions, that were made thereon: Whereof this following Ecclesiastick History, much coveted and long looked-for, giveth us a very particular, full, faithful and faire account; in commendation of which, we need say no more, but tell thee, that it is written by famous Mr David Calderwood, whose praise is in the Churches of Christ, as otherwise, so particularly upon the account of his being, but under another and borrowed name of Edwardus Didoclavius, the Author of that very learned and elaborat Treatise, intituled, Altare Damascenum; wherein he doth by Scripture, Reason and Fathers, irrefragably and unanswerably (and indeed, for any thing we know, it hath not been answered to this day, nor belike will afterward) demonstrate the iniquity of designing and endeavouring to model and conforme the divinely simple Worship, Discipline and Government of the Church of Scotland, to the patern of the pompously Prelatick and ceremonious Church of England: Under some conviction whereof it seemes K. James himself was, though implacably displeased with it, when, being after the reading of it somewhat pensive, and being asked the reason by an English Prelat, standing by and observing it, told him he had seen and read such a Book; whereupon the Prelat, willing his Maj. not to suffer that to trouble him, for they would answer it, he replied, not without some passion, What ----- will you answer, man? There is nothing here, than Scripture, Reason, and Fathers. As therefore we are hopful, that this Notable History, compiled and written by such an accomplished and credite-worthy Author, thereunto appointed and authorized

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TO THE READER.

by the General Assembly of the Church of Scotland; and severall times revised, amended, and at length approved, (as could be evidenced by the Acts of our Assembly, which herewith had been published for verification, if our Church-Registers had not been seised) will be the more commended and endeared unto thee, that it is almost the onely Monument left (all the publick Registers of the Church of Scotland having (as was hinted) by Divine permission, for our further trial and affliction, lately fallen into the hands of the Prelates, and their Partners, the known Enemies of her true Liberties) to give an account, which we may trust, of the earnest and strenuous striveings of our renowned Ancestors, these mighty and magnanimous Men of God, for the Royal-Prerogatives and Crown-Privileges of Jesus Christ, the alone Sovereigne and Head of His own Church; and for the Liberties thereof, invaded and encroached upon by the secular Sovereigne, aided and assisted therein by apostatized and treacherous Church-men, and by self-seeking States-men; (by which Christianly couragious, valiant and heroick contendings of these worthies, our unworthy faintings and unfaithfulness, in sutable & called-for withstanding of & witnessing against the no smiller, but much greater Encroachments & Invasions, that have been made in our dayes, on the same most precious Interests, by the super-exalted Supremacy are sadly reprovved and condemned. Alas! whither can we cause our shame now go, when the Crown is fallen from our head; and we say not, wo unto us, for we have sinned, in not holding fast the Word of the Church of Scotland her patience?) So we can most seriously, sincerely and solemnely protest unto thee, that this is the true Copie, done with the last care of the Author, as that was designed for the Press, without the least alteration to pervert the sense of the Author, whatever somewhat in the Stile might have called for. Ere I close, I shall only advertise and caution thee against what is common amongst some Readers, who, if they finde not something tickling & taking in the very entry of any Book, Indulge themselves in a neglect and contempt of the whole; viz. That howeever things are more briefly hinted here in the beginning, and onely a clear deduction of the series of Assemblies held forth, which was only designed in this Church-History, judging it superfluous to insist in that, which is excellently done in that renowned Chronicle, The History of the Reformation &c. commonly called Knox's History: Yet the following part is so full, & things so held forth to satisfaction, as it will be unworthy of any serious Person, who desireth to be acquaint with the Craft, Cunning and Artifices of the Enemies of the work of God; and with the Christian carriage and holy courage of our renowned worthies; and much more unworthie of any Minister of the Gospel, not to provide himself with one of these, which by a gracious providence hath been preserved for our good, and the good of Posterity, and peruse it. Now the Lord blesse graciously the work, seasonably brought to light, towards the recovering and reviving of the wonted, but alas! much worne out, true Zeal and holy Boldness of the Ministers and Professours of the Church of Scotland, for the oppressed Liberties thereof. AMEN.

Fare well.



The True



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 OF
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THE INTRODUCTION.



WHEN the Papacie and Popery seemed to prevaile in the Kirk, the *Waldenses*, who are justly called the pure Seed of the ancient Kirk, preserved the purity of Religion. It was transmitted to them by others from the dayes of the Apostles, as *Rainerius* their adversarie reporteth, howbeit he miscalleth them hereticks, and their religion heretical. Their offspring were called in England *Lollards* after the name of their chief Preacher *Lollard*; and in Scotland *Lowards*; according to our custome, in turning a double *ll* in a Germane *w*, as when we pronounce, *Bow*, *Pow*, *Rew*, *Scrow*, for *Boll*, *Poll*, *Roll*, *Scroll*.

There were cited before King *James the fourth* and his great Councel by *Robert Blackater*, Bishop of Glasgow, thirty persons dwelling in *Kyle-stewart*, *Kingskile* & *Cunninghame*, who were called the *Lowards of Kyle*, and were accused of thirty four articles, whereof many were wrested, to make them odious, in like manner as their brethren, both in *France* and *England*, had been used before; as the Reader may see in *Perrin* his History of the *Waldenses*, where he setteth downe the right articles, which they maintained, even the same which we maintaine this day. It is not without reason therefore that Master *Knox* in his History calleth *Kyle*, an old receptacle of the servants of God.

The cruelly executed upon *Master Patrick Hammiltoun*, in the beginning of *King James the fifth* his reigne, moved many to inquire into the truth of the articles, for which he suffered, and to call in doubt these points, which before they held for undoubted verities. Within few years, both *Gray* and *Black-friers*, and *Channons* began to declame publickly against the pride and idle life of Bishops, the abuses of the whole ecclesiastical estate, the foolish traditions and errours of the Kirk; and therefore were pursued, and either fled or suffered.

The favourers of the truth increased to many thousands before the death of *King James the fifth*, notwithstanding of his opposition; as may appear in the overture laid downe to him by the Clergie, how to come to an hundreth thousand Crownes every year, to wit, by confiscating the goods, and forsalting the lands of hereticks. *Cardinal Betoun* and his complices, the Bishops & Priests, delivered to him a scroll of such as they in their inquisition had found to be hereticks, which the King keepe in his pocket to his dying day. In it were contained the names of three hundreth of the chief of the countrey, as *Buchanan* reporteth.

After the death of *King James the fifth*, the *Earle of Arran* was constitute Governour by assistance of such, as favoured the truth. Liberty was granted by act of Parliament to the people to read the Scripture in English, or any tractat or exposition upon any place of Scripture. The knowledge of the truth increased wonderfully by this means, and the Lord bestowed the gifts of his Spirit upon simple men in a great measure. Then were set forth works in our language, beside those, that were brought from *England*; wherein the Pride, Craft, Tyrannie & Abuses of the Roman Antichrist were disclosed. But the inconstant Governour, partly induced by his bastard Brother *John Hammiltoun Abbot of Pasley*, partly terrified by the threatnings & practises of the Cardinal, *David Betoun* Bishop of *Sanctandrews*, went to *Stirling*, and made open recantation in the *Grayfriers* Kirk, in presence of the Queen Mother, the Cardinal and hundrie others. The Cardinal having wonne the Governour to his devotion, went boldly to work, and would be nothing inferiour to his predecessour in cruelty. Neither was his cruelty stayed by the bloud of *Mr. George Wishart*; but he intended further, if the Lord had not stirred up some men of courage to cut him off in time.

After the slaughter of the Cardinal, the chief actors and their complices seized on the Castle of *Sanctandrews*. *John Knox* went in to them, and lectured upon the Gospel according to *S. John*. *Mr. Henry Balnaves*, *Sir David Lindsay* of the Mounth, *John Rough* Minister, with others in the castle, being well pleased with his gifts, desired him to preach publickly in the *Parish* Kirk, which he refused, till he were called orderly to the office. After his calling he preached publickly in the parish Kirk of *Sanctandrews*. Others before hewed at the branches, he striketh at the root of popery. In a disputation, which he had soon after in a convention of *Gray & Black-friers*, he sustained, that the Church may not devise significant ceremonies: a ground, whereof many are ignorant even in our times. The Lords supper was then ministred in the same puritie, that it was after the reformation. But the Lord intending to use him, as a chief instrument in the work of reformation, fitteth him sundrie wayes for the purpose. After the rendering of the

Castle, he was detained by the *French* nine moneths in the gallayes. After his delivery, he came to *England*, where he taught at *Berwick*, *Newcastle*, *London*, and in sundrie other parts, as also before King *Edward*. When he was called before the chief of the Councel, where were present the Bishops of *Canterberrie* and *Elie*, and was demanded whether he was of that judgment, that none might serve in the ministrie within *England*, according to the rites and lawes of the Realme? he answered That none might lawfully: Being demanded, why he kneeled not at the Lords supper? he answered, That Christs action was most perfect, that it was fittest to follow his example, that kneeling was mans imagination. After hot reasoning, they said, they were sorrie to know him to be of a contrary mind to the common order; he answered that he was more sorry, that the common order should be contrary to Christs institution. These answers I find in one of his owne manuscripts. After the death of King *Edward*, he fled, as did many others, out of *England*, by reason of the cruel persecution of *Queen Marie*. In an admonition printed the year following, he commendeth the Parliament of *England*, for removing the round clipped God in King *Edwards* time, and commanding common bread to be used at the Lords table; but findeth fault, that kneeling at the Lords table, together with many other superstitious rites, which profaned Christs true religion, were retained.

The English exiles at *Franckfurd*, having purchased the liberty of a kirk there, sent to *Geneva* for Mr *Knox* to be one of their Ministers. So he went out of *Geneve* to *Franckfurd* in November 1554: There was some controversie among them, for the use of the English service book: At length it was agreed, that the order of *Geneva*, which then was printed, and in English, some copies whereof were among their hands, should take place, as an order most Godly, and furthest removed from superstition. In the meane time came Mr *Liver* one of their elected Ministers, who would have them to admit the English order. Mr *Knox*, Mr *Whittinghame* and others perceiving, that those beginnings would grow to some heat, extracted out of the English service book so much as they thought expedient, and sent it to Mr *Calvine*. Some things they concealed for respect to the authors and contrivers of the book, who being hindered by the obstinacie and multitude of their adversaries, did alwayes, so farre as they could, strive to greater perfection. Mr *Calvine* in this answer declareth, that he seeth not that purity, which were to be wished, in the liturgie of *England*; and wondereth, what they meant to delight so much in popish dregs. When his letter was read in the Congregation, it so wrought in the hearts of many, that they were not so stout before for it, as they were bent after against it. But when Mr *Coxe* and others with him came, and made a breach of the agreement, Mr *Knox* publickly in a sermon alledged, that nothing ought to be thrust upon any congregation without the warrant of the word of God; offered to prove, that in the English book some things were superstitions, impure, imperfect; and affirmed, that among many things, which provoked Gods anger against *England*, slackness to reform Religion, when time and place was granted, was one; and therefore that it became them to be circumspect now, and to see how they laid the foundation. Such as laboured to have the English service book with the rites and orders of it established, perceiving that they could not come

to their intent. unless Mr *Knox*, who had great credite with many in the congregation, were removed, presented by some of their number to the magistrates of *Franckfurd*, his book intituled, *an admonition to Christians*, and noted the places, which touched the *Emperour*, his Son *Philip* and *Marie* Queen of *England*: The Magistrates detested their unnatural pursuit; but sent advertisement to Mr *Knox* to depart, with signification, that otherwise they would be forced to deliver him, if the *Emperours* Councel, which then lay at *Ausburge*, should upon like information send for him. So he was constrained to returne to *Geneva*. Mr *Calvine* sent them a sharp reproof for this kinde of dealing. as may be seen in that printed discourse, intituled *a brief discourse of troubles begun at Franckfurd*.

While Mr *Knox* is thus exercised in forraigne countreys, & prepared for greater work at home, *Jo Willock*, *Jo Douglas*, alias *Grant*, *Paul Methuen*, *Will. Harlaw*, & sometimes *Jo. Areskine* laird of *Dun* preached at privie meetings in *Edinburgh*, & elswhere. Mr *Knox* returned to *Scotland* about the end of Harvest 1555. preached in sundrie parts of the countrey, & ministred the Lords Supper, after the same forme, that it was ministred after the publick reformation. Such as favoured the truth gave their presence to the masse, & offered their children to Popish baptisme, till he informed them of the unlawfulness. He was summoned to compear in the Blackfrier Church in *Edinburgh* in May 1556. Sundrie gentlemen resolved to keep the diet appointed, which they wont not to do before, when their preachers were summoned. The Bishops cast their owne summons, for what cause it is uncertain. At this time he wrote a prolix letter to the *Queen Regent*. Letters were sent to him from the English Church at *Geneva*, separated from that superstitious and contentious company as he calleth them in his *Historie*, which was at *Franckfurd*, charging him in the name of God, seing he was their chosen pastor, to returne to them. After he had consulted with some Noble men about the interprise of reformation, he went back to *Geneve*, promising to returne, when they should call for him. After his departure, In Iuly 1556. he was burnt in *Effigie* at the market crosse of *Edinburgh*. He appealed from the Bishops sentence, when it came to his knowledge, and sent his appellation home, before his last returne to his native countrey.

Hitherto we had rather a time of suffering, then of action and interprise for reformation. A letter was sent for Mr *Knox*; subscribed by some Noble men, whereupon he cometh from *Geneva* to *Deip* about the end of September 1557. of purpose to come to *Scotland*, but was stayed by contrarie letters. He was ashamed in their behalf, because he had proponed the matter to the most Godly and learned in *Europe*, and had their judgment for assurance, as well of their consciences, as of his owne. In October following he sent some letters to the Lords, and to particular gentlemen, wherein he proved, that the reformation of Religion and publick enormities, did appertaine to moe, then to the Clergie & Chief Rulers. His letters being read, it was concluded after consultation, that they would prosecute their purpose once intended. That every one might be the more assured of other, a common band was formed, wherein they promised before God, with their whole power and hazard of their lives, to set forward, and establish the true Religion, to maintaine their Ministers, and the whole Congregation, and to declare themselves manifest adversaries to all superstitious Abominati-

on and Idolatrie. This band was subscribed at *Edinburgh* the third of December 1557. by some noblemen. Before the band was subscribed, the Lords and Barons professors convened, and concluded, that the Common Prayer, with the lessons out of the old and new testament, be read in every parish Church publickly upon the Lords day, and that preaching and interpretation of Scripture be private, without great convention, till liberty were granted for the same in publick

The Professors with one consent sent *Sr James Sandelands* of *Calder* knight with their petition to the *Queen Regent*. They crave liberty first to meet publickly, or privatly, to the common Prayers in the vulgar tongue. Next, that any qualified person, being present, may be suffered to interpret and open up any hard place of the Scripture, where it shall occur. Thirdly, that the sacrament of baptisme may be celebrate in the vulgar tongue. Fourthly, that the Lords supper may be Ministered in the vulgar tongue, and in both kindes, according to Christs institution. And Lastly, that the slanderous and detestable life of the Prelats, and the State Ecclesiasticall, may be reformed. In this petition, they acknowledge it to have been their duty, either to have defended their brethren from the crueltie of the Clergie men; seing they were a part of that Power, which God had established in this Realme, or else to have given open testification of their faith with them, which now they offer themselves to do, least by their continuall silence, they should seem to justifie their cruell tyrannie. The *Queen Regent*, to obtaine their consent to grant the matrimonial crowne to the *Dolphin*, suffered them to use themselves according to their desires; providing they held no publick assemblies in *Edinburgh* or *Leith*; & promised assistance to their preachers, till some uniforme order were established by Parliament. They departed fully content with her answer: and for proof of their inclination to peace and quietness, stayed *John Douglass* from preaching publickly in *Leith*. But in the moneth of April after 1558. *Walter Milne* was burned in *Sanctandrews*. When the Professours complained to her, she laid the blame upon the Bishop, & promised to take order with him for it; but it was not performed.

Petition.

The Parliament approaching, which was to be holden in November 1558. the *Queen Regent* laboured with the Professours to consent to the donation of the matrimonial Crowne to the *Dolphin*, the husband of our young *Queen Marie*: which being brought to pass, assured them, that devise what they pleased in matters of Religion, it should be granted. None were so forward for her designes, as they were. They presented their petition to her at this Parliament; because they determined to interpret nothing without her knowledge. First, they require, that all such Acts of Parliament, as in former times gave power to Church men to exerce their tyranny against them, as hereticks, may be suspended or abrogated; till a general Councel lawfully assembled have decided all controversies in religion. Next, that the Prelats and their officers be removed from the place of judgment, place notwithstanding being granted to them to be accusators, in presence of a temporal judge; and a competent terme to the partie accused of heresie being assigned. Thirdly, that all lawful defences be granted to the persons accused; as if they be able to prove the witnesses, persons unable by law to testifie against them, that their depositions be null. Fourthly, that place be granted to the person accused, to interpret his own meaning; seing none

ought to suffer for Religion, that is not found obstinat in his damnable opinion. *Lastly*, That their brethren be not damned for hereticks, unless they be convicted by the word to have erred from the faith. But the *Queen Regent* kepted their petitions close in her pocket: when they urged the reading of them in open Assembly, she answered, it was not expedient at that time; because the whole Ecclesiastical State would crosse her proceedings, and chief busines, which she had in hand. They suspecting nothing, were content to give place for a time to her pleasure; yet thought it expedient to protest before dissolving of the parliament. *First*, they protest, That seing they cannot obtaine a just Reformation according to Gods word, That it be lawfull to them to use themselves in matters of Religion and Conscience, as they must answer to God, till such time as their Adversaries be able to prove themselves to be true Ministers of Christs Church, and purge themselves of such crimes, as they had to lay to their charge, offering to prove the same, whensoever the Authority pleased to give them audience. *Next*, That neither they, nor any other, that pleaseth to joine with them in the true faith, shall incurre any danger for not observing such acts, as heretofore have passed in favour of their Adversaries; or for violating such rites, as man, without Gods commandment or word, have enjoined. *Thirdly*, That if any tumult or uprore arise in the Realme for the diversity of Religion, and if it chance that abuses be violently reformed, that the fault be not imputed to them, who now most humbly seek all things to be reformed by order. *Lastly*, That these requests tend to no other end, but to the reformation of Religion. After that the protestation was read publickly, they desired, that it might be insert in register. But by procurement of their Adversaries, it was denied. The *Regent* nevertheless said, we will remember, what is protested, and will put order to all these things, that be now in controversie. They departed in good hope of her favour, and praised God, that she was so well inclined; for so she seemed to them. Before this Parliament *Mr Knox* his appellation from the sentence pronounced against him by the Bishops and Clergie came forth in print, together with the supplication and exhortation to the Nobility, Estates, and Commonalty, and his former letter to the *Queen Regent*, with a sharpe explanation. In the supplication to the Nobility, he required them to admit his Appellation, and to take him in their protection, that he may have access to his native countrey; and freely give confession of all the points, that were in controversie, that they would compell such, as are called Bishops, not only to desist from their cruelty, but also to answer such crimes, as shall be laid to their charge; and that the doctrine which was condemned for heresie might be tried by the Word of God. He proveth, that seing they are powers ordained by God, the reformation of Religion, and defence of such, as are unjustly oppressed, appertained to their charge and care, as well as to the Kings; that they are bound to correct and repress whatsoever they know the Prince to attempt expressly repugnant to Gods Word, whether of ignorance, or malice against his subjects, great or small.

How soon that all things belonging to the commodity of *France* were granted, and a treatie of peace between *France, England & Scotland*, was concluded, the *Queen Regent* began to frowne upon all the Professors of the Gospel. Carefull was she to have Easter communion keeped, and the people to go to Mass at *Montrose, Dundie, St Johnstoun*

and other like Places, which had received the Gospel, but prevailed not. Whereupon she was the more commoved, and caused summe all the Preachers to compear at *Stirling* the tenth of *May* 1559. The Professors of *Dundie*, & the Gentlemen of *Angus* and *Mearnes* went with their Preachers to *St Johnstoun*, in a peacable manner without armour; to give their confession with the Preachers, and to assist them with their just defence at *Stirling*: But were stayed from going forward by the Regents fair speeches and promises to take some better order. In the mean time, the Preachers not compearing at the day appointed, she gave charge to denounce them rebels. *Mr Knox* could not obtaine a passport to come homeward through *England*; because *Queen Elizabeth*, then newly entered in her Raigne, was offended with his book, intituled, *The first blast of the Trumpet*, which impugned the regiment of Women: Howbeit it touched not her in particular; but had been written only upon occasion of *Queen Maries* cruelty. He therefore came home by sea, and arrived at *Leith* the second of *May*, and went with all expedition to *St Johnstoun*, to assist his brethren, and to give confession of his Faith with them. He declared in a sermon at *St Johnstoun*, what commandments God had given for destruction of all the monuments of Idolatrie, and what abomination was in the masse. After sermon a Priest opening a glorious Tabernacle, standing above the high Altar, and minding in contempt to celebrate Masse, a young boy cryed aloud, this is intolerable. The Priest giveth him a blow. The boy lifted up a stone, and throwing it at the Priest, hit the Tabernacle, and broke down an Image; and immediatly the multitude dispatched the Tabernacle, and all other monuments in the Kirk, before the tenth man in the towne understood of it: For the most part were going to dinner. This being noised abroad, the rascal multitude assembled, and finding nothing to do in the Kirk, they run to the Gray and Blackfriars, and after they had destroyed the monuments of Idolatrie, they began to seek some spoil. No honest man was enriched thereby the value of a groat, but suffered Monks & Friars to carrie away what they pleased. The *Queen Regent* vowed to destroy man, woman and child, to consume the town with fire, and to salt it with salt in signe of perpetual desolation. The Professors thinking that these words might escape her through choler, returned to their owne houses, and left *John Knox* at *St Johnstoun*, to instruct the people; because they were yet young and rude in Christ.

The Professors understanding, that the *Queen Regent* had misinformed the Nobility, as if they had meant nothing but rebellion, and that she had stirred them up to assist her to pursue them; they repared again to *St Johnstoun* the twenty two of *May*, to stay there for the comfort of their brethren, and began to fortifie the Towne. They certifie the *Queen Regent* by letter, that except this cruelty be stayed, they will be compelled to take the sword of just defence against all that shall pursue them for matters of Religion; that they will make known their innocency and petitions, not only to the King of *France*, to their Mistress the *Queen*, & to her Husband; but also to other Christian Princes. They offer wonted obedience, providing they might have the Word truly preached, and the holy Sacraments rightly ministred. They profess, that they think it a denying of Christ and his Verity, not only to commit Idolatrie, but also to withdraw their dutifull support from their brethren,

pursued

pursued for the cause of Religion. They admonished *Monsieur d'Oselle*, and desired him to stay the *Queens* rage, and the Priests, as he would declare himself a faithful Servant to his Master the *King of France*. They warned the French Captains and Souldiers, that if they entered in bloody warr against them, the hostilitie should continue to the posterity, so long as natural Scorishmen should have power to revenge that crueltie. Yet the *Queen* would go forward to *St Johnstoun*, when there was but a small number of Gentlemen in it. Whereupon they wrote to mœ of their brethren to repair toward them for their relief. As for the Noblemen, that were accompanying the *Queen Regent*, they desired such as were blinded with superstition, and judged them troublers of the Common-wealth; because they had undertaken this interprise, to remove the monuments of idolatrie, and to erect the true preaching of the Gospel in the bounds committed to their charges; to consider how often they had requested, that it might be disputed in presence of different auditors, whether the Popish Religion was the true Religion: How vitious the Churchmen were in their lives: And how they laboured to maintaine the servants of Satan in their filthy corruption: And requested these to stay their furie, untill their cause be tried in judgment. As for others, that professed Christ with them, and had exhorted them to this interprise, they certifie them, that as they shall be reputed of God, traitours; so shall they be excommunicat from their societie: The glory of the victory, which God shall give to his Church, shall not appertaine to them; but fearful judgments shall apprehend them and their posterity: Because by their fainting and withdrawing of their support, the enemies were encouraged, and raged as bloody wolves, seeing the number small, that was to resist them, looking not to the power of God, but to the force and strength of man; and therefore, that they were guilty of the murder of their brethren, seeing their presence might have preserved them from danger. As for themselves, if the enemy were ten thousand; and they but one thousand, they shall, God assisting, not suffer them to murder the least of their brethren. These letters being sent abroad, some began to reason, whether they might of conscience invade them or not; seeing they offered due obedience to Authority, and required nothing but liberty of conscience, and Religion to be tried by the Word of God. When the Professors assembled at *St Johnstoun*, understood that the Prelats, and their adherents suppressed their petition, so far as lay in them, and kindled the furie of all men against them, they declared to them by writ, that if they proceeded in their malicious crueltie, they should be used, wheresoever they should be apprehended, as murderers and open enemies to God and mankind; that if they removed not their bands of bloody men of warre, and mitigated not Authority, which they had inflamed against them, they shall with all the force and power, that God shall grant them, execute just vengeance upon them; and that contract of peace shall never be made, till they desist from their publick idolatrie, and cruel persecution of Gods Children. The Master of *Lindsey*, the Laids of *Lundie*, *Balwaird*, and other Barons of *Fife* and *Angus*, were the chief men of note in this resolute company. When the Earle of *Argile*, Lord *James Prior* of *St Andrews*, afterward Earle of *Murray*, and Regent of the Realme, and the Lord *Sempill* were directed to them from the *Q. Regent*, to understand, if they minded

to hold

to hold that towne against the Authority: It was answered, that if her grace would suffer the exercise of Religion there begun, to proceed, and not trouble their brethren and sisters, that professed Christ Jesus with them; that the towne, themselves, and whatsoever pertained to them should be at her commandment: The Earle of *Argile* and Lord *James*, both Professors, were informed by the Regent, that they meant not Religion, but rebellion: But now they see the contrarie. The *Queen* sent the *Lyon Herald* with letters to charge them to render the town. In the mean time the Earle of *Glencarne*; the Lords, *Ochiltre* and *Boyd*, the Sherif of *Air*; the Laids, *Cragiewallace*, *Cesnock*, *Carnall*, *Barr*, *Gathgirth*, and the whole Congregation of *Kile* and *Cunninghame* were coming to assist their brethren, and could not be stayed by the *Lyon-herald* in his coate of armour, commanding them under the paine of treason to returne to their own houses, by sound of trumpet in *Glasgow*. But before their coming the *Queen Regent* directed the Duke, lately Governour, and *Monsieur D'oselle* to require some appointment, deeming, that they, disparting of assistance, would condescend to hard conditions; but she was disappointed: For *Glencarne* and his company were come, before the appointment could be finished. At last, appointment was made, that none of the town should be challenged for the overthrow of the places and monuments of idolatrie; that the exercise of Religion begun should be suffered to have free course, and the town be left free of French Souldiers at their departure out of it. Many foresaw, yea the Preachers foretold in sermon, that no point of the appointment would be kept longer then the *Queen* and her French men had the upper hand; yet to stop the mouths of the adversaries, and so to shew themselves willing to entertaine peace, they consent to let the Regent have her entrie in the towne, and to depart. Before their departure, the Congregations of the West, of *Fyfe*, *Perth*, *Dundie*, *Angus*, *Mearnes* and *Montrose*, being convened, bound themselves in the presence of God to concurre & assist other, in doing all things required by God, for the setting forth of his glory, & destroying & removing any thing that polluteth his Worship. And in case any trouble be intended against the said Congregation, or any part or member thereof, that the whole Congregation shall concur for defence. The Earles, of *Argile* and *Glencarne*; Lords, *Boyd* and *Ochiltre*, subscribed the bond.

Upon the twenty ninth of *May* 1559. the *Queen Regent*, Duke *Hammiltoun*, *Monsieur D'oselle*, and the French Souldiers entered into the town. The houses of honest men were oppressed by the French men, the Provost & Bailiffes were changed, fowr hundred Souldiers were appointed to stay to maintaine idolatrie, and to resist the Congregation. The Earle of *Argile* and Lord *James*, finding the appointment so manifestly violated, conveyed themselves secretly out of the town, and with them the Lord *Ruthwen*, the Earle of *Menteith*, and the Laird of *Tillibairden*, who promised in the presence of God to assist and defend other against all that would pursue them for Religion, and to defend, according to their power, their brethren persecuted for the same cause. The Earle of *Argile* and Lord *James* advertised the Laird of *Dun*, the Provost of *Dundie*, and sundrie other Professours, to come to *St Andrews*, the fourth of *June*, to remove all monuments of Idolatrie, whereunto the Magistrats and Commonalty of the town for the

most part, had agreed. Thereafter followed gathering upon both sides, in *Couper moore*. But the *Duke* and *Monsieur D'oselle*, having commission from the *Queen*, required, that assurance may be taken for eight dayes, to the end that indifferent men, in the meane time, might confer upon a final agreement. They promised, that they & their companies shall retire incontinent to *Falkland*, that no French men, nor Souldiers shall remaine within the bounds of *Fyfe*; but so many, as before the raising of the last army, lay in *Dysert*, *Kirkcaldy* & *Kinghorne*; and this to have effect for the space of eight dayes; that in the meane time certain Noblemen, by the advice of the *Queen Regent* and the rest of the Councel, may convene to confer on such things, as may serve for good order and quietness, among the *Queens* Lieges: And farther, that neither they, nor any of their assisters, who were presently with them, shall invade, trouble or disquiet the said Lords, nor their assisters, dureing the said space. So the fury of the Regent against the two Noblemen, was restrained for the time, by the concurrence and suddain repair of Professors out of all quarters. The Lords and a great number of Gentlemen, went from *Conper* to *St Andrewes*, where they stayed certain dayes, waiting for these that should have been sent from the *Queen Regent*, to conclude the agreement. But when they saw no performance, they resolved upon the recovery of *St Johnstoun*, which was rendered to them upon the twenty sixt of *June*. Thereafter the Earle of *Argile* and Lord *James* went to *Stirling*, and after reformation made there, came to *Edinburgh*, where order was taken for suppressing of all monuments of Idolatrie. The *Queen* seeketh conference, maketh some semblance, that she would grant liberty of profession; providing where she was present, their Preachers be silent, and the masse maintained. The Professors answered, they could not put Gods true messengers to silence, nor suffer the right ministration of the Sacraments to give place to manifest Idolatrie: For if her request were granted, there is no Church established within the realme, but at her pleasure, and by her residence there, it must be overthrowne. Further, they require to know, what hope they might have of her favour, for advancement of Religion, and for removing the French out of the Countrey, offering to serve her, as Regent, dutifully & faithfully, to take the protection of her person, and to submit themselves to a lawful Parliament; so that the Bishops, as the party accused, and their professed enemies, were removed. She understanding, that the Congregation was dissolved, intended to surprize the Lords in *Edinburgh*, but was disappointed: Yet because the Castle favoured the *Queen* and her French men, they were content to come to an appointment. Intimation of the appointment was published upon the twenty sixth of *July*, at the cross of *Edinburgh*, by the direction of the Lords and Councel of the Congregation. The chief heads were these: 1. That no Member of the Congregation be troubled in their Life, Lands, Goods, Possessions, for any thing done in this late innovation, till a Parllament have declared things in controversie. 2. That Idolatrie be not erected, where it is suppressed. 3. That Preachers be not troubled in their ministry, where they are already established; nor hindered to preach, where they shall happen to travell. 4. That no bands of men of war be layd within the town of *Edinburgh*. Notwithstanding of the appointment, the Regent desired Masse to be permitted in the great Kirk of *Edinburgh*, and the people to be set at liberty, to imbrace what Religion they pleased; but it was flatly denied. She desired, that Masse

might be said, either before or after Sermon in the same Kirk; this was likewise refused: Yet the appointment was broken many wayes. She caused the Masse to be said openly in the Kirk of *Halyrudhouse*, and *Leith*, where before it was suppressed; & complained to the Duke, Barons and Gentlemen, that the Professors were minded to invade her person, and that therefore she was constrained to crave assistance against their unjust pursute. In the meane time arrived a thousand men from *France*, about the midst of *August*, and moe were to follow after. To colour the arrival of the new bands of French men, she set forth a slanderous proclamation. They answer by letter and otherwise, and layd to her charge many particulars; as exorbitant taxations, since her entry to the government; the corrupting of the money, and bringing it to such baseness, as that it was like to bring extreme beggery upon the Realme, and to extinguish traffique with forreigne nations, and herewith she intertained strangers above their heads; that the clipped and roughted souldes, which had not passed these three Years bygone in *France*, were commanded by her to have free course within this Realme; That the French men oppress the Subjects, and that their dear brethren, members of the Commonwealth, are some of them banished from their own houses, some robbed, some spoiled, some cruelly murdered at the pleasure of inhumane Souldiers, and many live in such fear, as if their enemies were in the midst of them; that in time of peace, without occasion of forrain warres, thousands of strangers are laid upon the necks of the Commons, and idle bellies fed with their substance; that those, who came first, were brought to the fields against the true lieges, their brethren, for no other cause, but because they would not renounce the Gospel; That if they had not withstood with weapons of just defence, *St Johnstoun* and *Dundie* had been in no better case, then *Leith* is for the present; That the French men had come with wives and children, to plant here, as they have already begun in the town of *Leith*, where they mind to dwell, till a greater number of their fellow Souldiers come to subdue the rest; and that all this is done without consent of Nobility & Council. As for the imputations layd upon their Preachers, it was answered: That they preach, that Princes are to be obeyed in things lawful; but yet, that it appertaineth to the Nobility, borne and sworne Counsellours of the Realme, to bridle the fury and rage of Princes: And the consent of Barons and people is to be required, in all weighty matters of the Commonwealth. The Lords convened at *Stirling*, about the tenth of *September* 1559. They send the chief of their company to *Hammiltoun* to consult with the Duke, who now is wonne again to their side. A letter to the *Queen Regent*, dated at *Hammiltoun* the twenty ninth of *September*, and subscribed by the Duke, the Earles of *Arran*, *Glencarne*, *Menteith*: the Lords *Ruthwen*, *Ochiltrie*, *Boyd* and sundrie Barons and Gentlemen, were sent to her, challenging her for breaking of the appointment made at *Leith*, & fortifying it with strangers. The fortification direct these letters to diverse parts of the Countrey, to make them sensible of the danger, if the French were suffered to plant in this countrey, and appointed the whole forces to convene at *Stirling* the fifteenth of *October*. The *Queen Regent* charged by proclamation, that none take part with the Duke & his Assisters, under the pain of treason; and alledged, that the Earle of *Arran* was to be set up in authority

by the Lords of the Congregation, & sundry other things. Whereunto they answered, that it never entered into their heart to set him up in authority; that they never denied toll nor tribute to her or her Officers; but would only bridle her blind rage, that would erect and maintaine Idolatrie, and murder their brethren; that she is not able to prove, that they have violate the appointment, before the arrival of the French, yea before they began to fortify *Leith*. So long as strangers are brought in to suppress them, their Commonwealth and posterity; true Religion despised; idle bellies and bloody tyrannes, the Bishops, maintained; Christs true messengers persecuted; vertue contemned, vice extolled, a great part of the Nobility and Commonalty unjustly persecuted: Who can be offended, if they seek reformation of these enormities, even by force of armes; seing no other way is left unto them? God hath made them Counsellours by birth, and they are bound by their Oath to be true to the Commonwealth; and therefore they desire, that none withdraw themselves from dutiful support and assistance; seing they hazard their lives for preservation of them and their posterity, assuring such, as shall declare themselves favourers of her faction, & enemies to them, they shall be reputed worthy of such punishment, as is due to such, as study to betray their Countrey in the hands of strangers, whensoever God shall put the sword of justice in their hands.

The Duke, and the Lords of the Congregation marched from *Stirling* to *Edinburgh*, the seventh of *October* 1559. After consultation in Councel, they sent the second admonition to the *Queen Regent*, to remove her strangers and Souldiers out of the town of *Leith*, and to make it parent to all the subjects. But the messenger returned without an answer. Upon the nineteenth of *October*, the Duke purged himself by sound of trumpet at the crosse, of usurpation of Authority. Upon the twenty one of *October*, the Duke & his assistants were charged to depart out of *Edinburgh*, under the paine of rebellion. The Duke and the Lords after consultation agreed upon an act of suspension of her government. The reasons were, because she pursued the Barons and Burgeses within the realme with weapons and armour, as strangers, without any processe or order of law; layd garisons in townis, which oppressed the lieges; and forced a great part of the inhabitants to flee out of their own houses, till they were restored by armes; thrust Provosts and Bailiffes upon burghes without free election; brought in strangers and placed them in one of the principal parts of the Realme; coyned ley money without consent of the Nobility, & that so base, that the countrey thereby was like to be depauperat; hath committed the keeping of the great seal to a Stranger, without consent of the Councel, and sent the great seal forth of the Realme by the said stranger; that she will not joine with them to consult upon the affaires of the Commonwealth, they being borne Counsellours of the same by the ancient Lawes of the Realme; and intendeth to suppress the liberties of the Commonwealth. After the intimation of this suspension at the crosse, they dismissed the Herauld with their answer, and required her to transport her person; seing they were constrained to recover *Leith* by arms. *Leith* is summoned, the French men sally out of *Leith*, and discomfited the Lords twice. The Lords abandon *Edinburgh*, and conveened in *Stirling*, where *Master Knox* had a comfortable Sermon. After the departure of the Lords from *Edin-*

burgh, none of the brethren might be seen in the town, for fear of the French. support cometh by sea and by land from *England*.

After the Earle of *Huntlie* came to the camp, the Nobility, Barons, Gentry and diverse others joining with them for expelling the French, subscribed a band, upon the twenty seventh of *April*, wherein they bound themselves, by all means possible, to set forward the reformation of Religion; and to concur with the *Queen of England* her army, for expelling the Frenchmen, to fortify the Authority of the Council; to reduce to their duty those that shall resist, or not concur to their Godly enterprises.

In the mean time that *Leith* is besieged, the *Queen Dowager*, being deadly diseased, desired a conference with some of the Lords. She related to them; that she had so foolishly forced them to seek support of others, then their owne soveraignes, and layd the blame upon *Huntlie* and her own friends, who would not suffer her to agree with them, at the commencing at *Prestoun*.

Before the death of the *Queen Dowager*, lately Regent; the *French King*, not being able to send a sufficient supplie to his companies lying at *Leith*, sent two Ambassadors, to treat with the *Queen of England*s Ambassadors. In end peace was concluded in the beginning of *July* 1560. The Articles of agreement between the Deputies and the two Princes are extant in *Mr Knox* his History. Peace was proclaimed the eight of *July*, & the most part of the French were transported to France in English Vessels. The *English Army* departed by land, the sixteenth of *July*. After their departure the Council began to consult upon the affaires of the Commonwealth, specially the establishing of Religion, and to prepare and order things needful for the Parliament. A day was appointed, wherein the Nobility & a great part of the Congregation assembled in the great Kirk of *Edinburgh*, where after sermon made for the purpose, thanks were given to God for their merciful delivery from the tyranny of the Frenchmen.

By the preceeding discourse you may see, the interprisers of the work of reformation intended no other thing, but the reformation of Religion, that is, the overthrowing and demolishing of the places and monuments of Idolatry, and to erect the face of a visible Church within the bounds committed to their charge, and to assist others in the cause by mutual defence. What happened sometime to be done by the rascal multitude, without common consent of the Congregation, or direction of their Counsel, is not to be imputed to the Congregation. They purged themselves sufficiently, that they intended not to set up the *Duke*, nor Lord *James*, in authority. In end indeed they were constrained to suspend the *Queen Regent*s government, fortifying the town of *Leith* with strangers, without consent of the Estates, and for sundry other causes alledged in the act of suspension: And to his effect had the concurrence of the most part, if not almost of the whole Countrey: and so the cause of the Commonwealth concurred with the cause of Religion.

A^o D.
1560.

1560. Year of our Lord.



IN the Parliament, which was holden in *August* 1560. the Parons and Ministers were called on, and commanded to draw up the summe of that Doctrine, which they would maintaine, and desired the Parliament to establish, into certain Heads; which was done in four dayes: So the Confession of Faith was read in open audience of the Estates; and ratified by them the seventeenth of *July*, the Year of our Lord 1560. Upon the twenty fourth of *August*, two Acts were approven, one against the Masse and the sayers and hearers of Masse: The other, for abolishing the Pope and his usurped Authority in *Scotland*.

We have thought good here for the advantage of the Reader to set down the *Confession of Faith* itself, which was as followeth.

T H E CONFESSION OF THE FAITH

And doctrine, believed and professed by the *Protestants* of
Scotland, exhibited to the Estates of Parliament 1560.

I. of GOD.



WE confesse, and acknowledge one only GOD, to whom onely we must cleave, whom onely we must serve, whom onely we must worship, and in whom onely we must put our trust: Who is Eternal, Infinite, Unmeasurable, Incomprehensible, Omnipotent, Invisible, one in substance, and yet distinct in three Persons, the Father, the Son, and the Holy Ghost: By whom we confesse and beleve all things in Heaven and Earth, as wel visible as invisible, to have been created, to be retained in their being, and to be ruled and guided by his inscrutable Providence; to such ends, as his Eternal Wisdome, Goodnesse, & Justice hath appointed them, to the manifestation of his own glory.

II. Of the Creation of Man.

We confesse and acknowledge, this our God to have created Man, to wit, our first Father *Adam*, to his own Image and Similitude, to whom he gave Wisdome, Lordship, Justice, Free-will, and cleare Knowledge of himselfe, so that in the whole nature of man, there could be noted no imperfection. From which honour and perfection, man and woman did both fall: The woman being deceived by the Serpent, and man obeying the voice of the woman, both conspiring against the Sovereigne Majestie of God, who in expresse words had before threatned death, if they presumed to eat of the forbidden tree.

III. Of Original Sinne.

By which transgression, commonly called Original Sin, was the Image of God utterly defaced in man; and he and his posterity of nature become Enemies to God, slaves to Satan, and servants to sin; In so much that death everlasting hath had, and shall have power and dominion over all that have not been, are not, or shall not be regenerated from above, which regeneration is wrought by the power of the Holy Ghost, working in the hearts of the Elect of God an assured faith in the promise of

God.

Deut. 6: 4.
1 Cor. 8: 6.
Esa. 44: 5, 6.
1 Tim. 1: 17.
1 King. 8: 27.
1 Chr. 8: 28.
Ps. 139: 7, 8.
Gen. 1: 1.
1 Tim. 6: 15.
Exo. 3: 14, 15.
Matt. 28: 19.
1 Joh. 5: 7.
Gen. 1: 1.
Heb. 11: 3.
Act 17: 28.
Prov. 16: 4.

Genes. 1: 26,
27, 28, &c.
Coloss. 3: 10.
Ephes. 4: 24.
Gen. 3: 6.
& 2: 17.

Psal. 51: 7.
Rom. 5: 10.
& 7: 5.
1 Tim. 2: 26.
Eph. 3: 1, 2, 3.
Ro. 3: 14, 21.
& 6: 23.
Joh. 3: 5.
Rom. 5: 4.
Phil. 1: 29.

God, revealed to us in his Word, by which Faith we apprehend Christ Jesus, with the graces and benefites promised in him.

IV. *Of the Revelation of the Promise.*

For this we constantly beleeve, that God, after the fearful and horrible defection of man from his obedience, did seeke *Adam* againe, call upon him, rebuke his sin, convict him of the same, and in the end made unto him a most joyful promise, to wit, that the Seed of the Woman should break down the Serpents head, that is, he should destroy the work of the Devil. Which promise, as it was repeated, and made more clear from time to time; So was it embraced with joy, and most constantly received of all the faithful, from *Adam* to *Noe*, from *Noe* to *Abraham*, from *Abraham* to *David*, and so forth to the Incarnation of CHRIST JESUS: all (we meane the faithful Fathers under the Law) did see the joyful day of Christ Jesus, & did rejoyce.

V. *The Continuance, Increase and Preservation of the Kirk.*

We most constantly believe, that God preserved, instructed, multiplied, honoured, decored, and from death called to life his Kirk in all ages, from *Adam*, till the coming of Christ Jesus in the flesh. For *Abraham* he called from his Fathers Countrey, him he instructed, his Seed he multiplied, the same he marvelously preserved, and more marvelously delivered from the bondage and tyrannie of *Pharaoh*; to them he gave his Lawes, Constitutions and Ceremonies; them he possessed in the Land of *Canaan*; to them after Judges, and after *Saul*, he gave *David* to be King, to whom he made promise, that of the fruit of his loines should one sit for ever upon his regal Seat. To this same people from time to time he sent Prophets, to reduce them to the right way of their GOD: From the which oftentimes they declined by idolatry. And albeit that for their stubborne contempt of justice, he was compelled to give them in the hands of their enemies, as before was threatened by the mouth of *Moses*, in so much that the holy City was destroyed, the Temple burnt with fire, and the whole Land left desolate the space of 70. Years. Yet of mercy did he reduce them againe to *Jerusalem*, where the City and Temple were reedified, and they against all temptations and assaults of Satan did abide, till the Messias came, according to the promise.

VI. *Of the Incarnation of Christ Jesus.*

When the fulness of time came, God sent his Son, his eternal Wisedome, the Substance of his own glory, in this World, who took the nature of man-head of the substance of Woman, to wit, of a Virgine, and that by operation of the Holy Ghost: And so was borne the just Seede of *David*, the Angel of the great Counsell of God, the very Messias promised, whom we confesse and acknowledge *Emmanuel*, very God and very Man, two perfect Natures united, and joyned in one Person. By which our Confession, we condemne the damnable & pestilent heresies of *Arius*, *Marcion*, *Eutyches*, *Nestorius*, and such others, as either did deny the eternity of his Godhead, or the verity of his humane nature, or confounded them, or yet divided them.

VII. *Why it behoved the Mediator to be very God and very Man.*

We acknowledge and confesse, that this most wonderous conjunction between the Godhead and the Manhead in Christ Jesus, did proceed from the eternal and immutable decree of God, from which all our Salvation springs and depends.

VIII. *Election.*

For that same eternal God and Father, who of meer grace elected us in Christ Jesus his Son, before the foundation of the World was laid, appointed him to be our Head, our Brother, our Pastor, and great Bishop of our Souls. But because that the enmity between the justice of God and our sins was such, that no flesh by it self could, or might have attained unto God; It behoved that the Son of GOD should descend unto us, and take to himself a bodie of our bodie, flesh of our flesh, and bone of our bones, and so become the Mediator between GOD and man, giving power to

so many

Gen. 3. 9.
& 3. 15.
& 22. 3.
& 15. 36.
2 Sam. 7. 14.
Esa. 7. 24.

Esa. 9. 6.
Hag. 2. 6.
John 3. 36.

Ezech. 4. 6.
2, 9, &c.
Gen. 12. 1.
& 13. 1.
Exod. 4. 8.
& 1. 10.
Josh. 1. 3.
& 23. 4.
1 Sam. 10. 2.
& 16. 13.
2 Sam. 7. 12.
1 Kin 17. 13.
& 17. 23 29.
& 24. 3, 4, &c.
Deut. 32. 36.
48.
2 Kin. 5. 1, &c.
Dan. 9. 2.
Ezra 1. &c.
Hag. 1. 14.
Zach. 3. 2.

Gal. 4. 4.
Luc. 1. 35.
Mat. 1. 18.
& 2. 1.
Rom. 9. 1.
Mat. 1. 23.
John. 1. 14.
1 Tim. 2. 5.

Ephes. 1. 3, 4.
3, 6.

Ephes. 1. 17.
Mat. 25. 34.
Eph. 4. 17, 22.
Hebr. 2. 7, 8.
Psal. 22. 11.
Heb. 13. 20.
1 Pet. 2. 24.
& 4. 9.
Psal. 130. 3.
& 243. 3.

I 5 60.

1 Tim. 2. 5.
John 1. 12.
Eccl. 10. 17.
Rom. 5. 17.
18, 19.
Eccl. 15.
Gal. 4. 5. 6.
Aq. 17. 26.
Hebr. 2. 11. 12.
1 Pet. 3. 18.
Esaï. 53. 8.
Aq. 2. 24.
1 John 1. 2.
Act. 10. 18.
1 Tim. 3. 16.
John 3. 16.

So many as believe in him to be the Sons of GOD, as himselfe doeth witnesse, I passe up to my Father, and unto your Father, to my God, and your GOD. By which most holy fraternitie, whatsoever we have lost in *Adam*, is restored unto us againe. And for this cause, are we not affrayed to call GOD our Father; not so much because he hath created us (which we have common with the Reprobate) as for that, that he hath given to us his only Son, to be our brother, and given unto us grace, to acknowledge and embrace him for our only Mediator, as before is said. It behoved further the Messias and Redeemer to be very GOD, and very man, because he was to underly the punishment due for our transgressions, and to present himself in the presence of his Fathers judgement, as in our person, to suffer for our transgression and inobedience, by death to overcome him that was author of death. But because the only Godhead could not suffer death, neither yet could the only Manhead overcome the same, he joyned both together in one person, that the imbecillitie of the one should suffer, and be subject to death, (which we had deserved) and the infinite and invincible power of the other, to wit, of the Godhead; should triumph and purchase to us life, libertie and perpetuall victory: And so we confesse, and most undoubtedly believe.

IX. *Christs Death, Passion and Buriall.*

Heb. 10. 1-12.
Esaï. 53. 5.
Heb. 12. 3.
John. 1. 2 6.
Matt. 26. 21.
Deut. 21. 23.
Marc. 15. 32.
Gal. 3. 13.
Luc. 23. 1, 2.
Matt. 26. 38
2 Cor. 5. 21.

Heb. 9. 12.
Eccl. 10. 5.

That our Lord Jesus offered himself a voluntary Sacrifice unto his Father for us; that he suffered contradiction of sinners; that he was wounded and plagued for our transgressions; that he, being the cleane innocent Lamb of GOD, was damned in the presence of an earthly Judge, that we should be absolved before the tribunall seat of our GOD. That he suffered not only the cruel death of the crosse (which was accursed by the sentence of GOD) but also that he suffered for a season the wrath of his Father, which sinners had deserved. But yet we avow that he remained the only welbeloved and blessed Son of his Father, even in the midst of his anguish and torment, which he suffered in body and soule, to make the full satisfaction for the sins of the people. After the which, we Confesse and avow, that there remaineth no other Sacrifice for sin; which if any affirme, we nothing doubt to avow, that they are blasphemous against Christs death, and the everlasting purgation and satisfaction, purchased to us by the same.

X. *Of his Resurrection.*

Act. 2. 23.
Eccl. 3. 26.
Rom. 6. 5, 9.
Act. 2. 24.
Rom. 4. 25.
Heb. 2. 14, 15.
Matth. 28. 4.
Eccl. 27. 35, 35.
Eccl. 28. 5.
John 20. 27.
Eccl. 28. 7.
Luk. 24. 41.
42, 43.
Joh. 21. 1: 13

We undoubtedly beleve, that in so much as it was impossible, that the dolours of death should reteine in bondage the Author of life, that our Lord Jesus crucified, dead and buried, who descended into hell, did rise againe for our Justification, and destroying of him who was the author of death, brought life againe to us, that were subject to death, and to the bondage of the same. We know that his resurrection, was confirmed by the testimonie of his very Enemies, by the Resurrection of the dead, whose Sepulchres did open, and they did rise, and appeare to many without the Citie of *Jerusalem*. It was also confirmed by the testimony of his Angels, and by the senses and judgements of his Apostles, and of others, who had conversation, and did eat and drink with him, after his resurrection.

XI. *Of his Ascension.*

Luk. 24. 5.
Act. 4. 19.
Matt. 28. 6.
Mark. 16. 9.
Luc. 24. 6.
John. 20. 9.
Matt. 28. 18.
1 John 2. 1.
1 Tim. 2. 5.
Psalm 110. 1.
Matth. 22. 14.
Mark. 12. 36.
Luk. 20.
42, 43.
Act. 1. 8.
Eccl. 3. 19.
2 Thes. 1. 4, 5.
6, 7, 8.

We nothing doubt, but the self same body, which was borne of the Virgine, was crucified, dead, and buried, and which did rise againe, did ascend into the heavens, for the accomplishment of all things: wherein our names, and for our comfort, he hath received all power in heaven and earth, where he sitteth at the right hand of the Father, inaugurate in his kingdom, advocate and only mediator for us. Which glorie, honour, and prerogative, he alone amongst the brethren shall possesse, till that all his enemies be made his footstoole, as that we undoubtedly believe, they shall be in the finall judgement: To the execution whereof, we certainly believe, that the same our Lord Jesus shall as visibly returne, as that he was seene to ascend. And then we firmly believe, that the time of refreshing and restitution of all things shall come, in somuch that these that from the beginning have suffered violence, injurie, and wrong, for righteousnesse sake, shall inherite that blessed immortalitie, promis-

ed from

ed from the beginning. But contrariwise the stubborne, inobedient, cruell oppressours, filthie persons, Idolaters, and all such sorts of unfaithful, shall be cast in the dungeon of utter darknes, where the worm shall not die, neither yet their fire shall be extinguished. The remembrance of which day, and of the judgment to be executed in the same, is not only to us a bridle, whereby our carnal lusts are refrained, but also such ineffimable comfort, that neither may the threatening of wordly Princes, neither yet the fear of temporal death, and present danger, move us to renounce and forsake that blessed societie, vvhich vve the members have vvith our head and only Mediator Christ Iesus, vvhom vve confesse and avovv to be the Messias promised, the only head of his Kirk, our just Lavvgiver, our only high Priest, Advocate, and Mediator. In vvhich honours and offices, if man or Angel presume to intrude themselves, we utterly detest and abhor them, as blasphemous to our Sovereigne, & supreme Governour Christ Iesus.

XII. *Of Faith in the holy Ghost.*

This faith and the assurance of the same, proceeds not from flesh and blood, that is to say, from no natural powvers vvithin us, but is the inspiration of the holy Ghost: whom we confesse God equall with the Father, and with his Son, who sanctifieth us, and bringeth us in all veritie by his own operation, without whom we should remaine for ever enemies to God, and ignorant of his Son Christ Iesus. For of nature we are so dead, so blinde, and so perverse, that neither can we feele when we are pricked: see the light when it shines, nor assent to the will of God when it is revealed, except the Spirit of the Lord Iesus quicken that which is dead, remove the darknesse from our mindes; and bow our stubborne hearts to the obedience of his blessed will. And so as We confesse that GOD the Father created us, when we were not; as his Son our Lord Iesus redeemed us, when we were enemies to him; so also do we confesse, that the holy Ghost doth sanctifie and regenerate us, without all respect of any merite proceeding from us; be it before, or be it after our regeneration. To speak this one thing yet in more plaine words; as we willingly spoile our selves of all honour, and glorie of our owne creation and redemption, so do we also of our regeneration and sanctification: for of our selves we are not sufficient to thinke a good thought; but He who hath begun the work in us, is only he that continueth us in the same, to the praise and glory of his undeserved grace.

XIII. *The cause of good works.*

So that the cause of good works we confesse to be, not our free will, but the Lord Iesus, who dwelling in our hearts by true faith, bringeth foorth such workes, as GOD hath prepared for us to walk in. For this we must boldly affirm, that it is blasphemie to say, that Christ abideth in the hearts of such, in whom there is no spirit of sanctification: And therefore we fear not to affirme, that murderers, oppressours, cruell persecutors, adulterers, whoremongers, filthie persons, idolaters, drunkards, thieves, and all workers of iniquitie, have neither true faith, nor any portion of the Spirit of the Lord Iesus, so long as obstinately they continue in their wickednesse. For so soone as the Spirit of the Lord Iesus (which Gods elect Children receive by true faith) taketh possession in the heart of any man, so soone doth he regenerate and renew the same man; so that he beginneth to hate that vvhich before he loved, and beginneth to love that vvhich before he hated: And from thence cometh that continual battel, vvhich is betveene the flesh and the Spirit in Gods children; Still the flesh and natural man, according to the ovvn corruption, lusteth for things pleasant and delectable unto the self, and grudgeth in adversitie, is lifted up in prosperitie, and at every moment is prone and readie to offend the Majestie of God. But the Spirit of God, vvhich giveth vvitnesing to our spirit, that vve are the sons of God, maketh us to resist filthie pleasures, and to groane in Gods presence for deliverance from this bondage of corruption. And finally, to triumph over sin, that it reigne not in our mortal bodies. This battel hath not the carnal man, being destitute of Gods Spirit, but doth follow & obey sin vvith greedinesse, & vvithout repentance, even as the devil, & their corrupt lusts do prick them. But the sons of God, as before is said,

I 560.

Man. 25. 35.
Revel. 22. 27
Esaï. 66. 24.
Marc. 13. 41.
& 9. 44. &c.
Matt. 22. 13.
1 Pet. 3. 21.
2 Cor. 4. 21.
Luc. 22. 28.
Joh. 15. 1. &c.
Esaï. 7. 24.
Eph. 2. 22.
Col. 2. 28.
Heb. 9. 12. & 13.
& 10. 21.
1 Joh. 2. 2.
1 Tim. 2. 5.

Matt. 16. 17.
Joh. 14. 26.
& 15. 26.
& 14. 11.
Act. 5. 4.
Joh. 19. 13.
Col. 2. 13.
Eph. 2. 2.
Joh. 9. 39.
Revel. 3. 17.
Matt. 27. 17.
Marc. 9. 19.
Luk. 9. 41.
Joh. 6. 63.
Mica. 7. 8.
1 King 2. 8.
Psal. 100. 3.
Rom. 5. 10.
Joh. 3. 3.
Titus 3. 5.
Rom. 5. 8.
Phil. 3. 7.
& 1. 6.
2 Cor. 5. 5.
Eph. 1. 6.

Eph. 2. 10.
Phil. 2. 13.
Joh. 3. 25.
Rom. 8. 9.

Rom. 9. 26.
& 7. 24.
& 8. 23.
& 6. 18.
Eph. 4. 17.
18, 19.

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2 Tim. 2. 26.

John 15. 5.

doe fight against sin, doe sob and mourne, when they perceive themselves tempted in iniquitie; and if they fall, they rise again with earnest and unfeined repentance, & these things they do not by their own power, but by the power of the Lord Jesus, without whom they were able to doe nothing.

XV. *What works are reputed good before GOD.*

Exo. 10. 3. &c.
Deut. 4. 7. &c.Luk 2. 75.
Mica. 6. 11.Ephes. 6. 17.
Eze. 2. 1. &c.
1 Cor. 6. 19. &c.
1 The. 4. 3. 5. 6
Jer. 22. 1. 9. &c.
Esa. 10. 1. &c.
1 Theff. 4. 6.Rom. 13. 2.
Ezech. 21. 13.
&c.
1 John. 3. 4.Rom. 14. 28.
Hebr. 11. 6.
1 Sam. 15.
1 Cor. 10. 13.
1 Joh. 3. 4.Esa. 19. 13.
Matt. 15. 9.
Maik. 7. 7.

We confesse and acknowledge, that God hath given man his holy Law, in which not only are forbidden all such workes, as displease and offend his Godly Majestie, but also are commanded all such as please him, & as he hath promised to reward: & these workes be of two sorts; The one is done to the honour of God; the other, to the profite of our neighbours: & both have the revealed vwill of God for their assurance; To have our God, to vvorship and honour him, to call upon him in all our troubles, to reverence his holy name, to heare his vvord, to believe the same, to communicate vvith his holy Sacraments, are the vvorkes of the first table. To honour father, mother, princes, rulers, and superiour povvers: to love them, to support them, yea to obey their charges (not repugning to the commandement of GOD) to save the lives of innocents, to repress tyrannie, to defend the oppressed, to keep our bodies cleane and holy, to live in sobernesse and temperance, to deale justly vvith all men both in vvord and deed: and finally, to repress all appetite of our neighbours hurt; are the good vvorkes of the second table, vvwhich are most pleasing and acceptable unto GOD, as these workes that are commanded by himself. The contrary whereof is sin most odious, which alwayes displeaseth him, and provoketh him to anger; As not to call upon him alone vvhen vve have need; nor to hear his Word vvith reverence, to contemne and despise it; to have, or to vvorship idols, to maintaine and defend idolatrie; lightly to esteeme the reverend name of GOD; to profane, abuse, or contemne the Sacraments of Christ Jesus; to disobey or resist any that GOD hath placed in authoritie, (vvhile they passe not over the bounds of their office) to murther, or to consent thereto; to bear hatred, or to suffer innocent blood to be shed, if we may withstand it. And finally, the transgression of any other commandment in the first or second table, We confesse and affirme to be sin, whereby GODS anger and displeasure is kindled against the proud unthankful world: so that good workes we affirme to be these only that are done in faith, and at GODS commandement, who in his law hath expresseed what the things be that please him. And evil workes we affirme not onely these that expressely are done against GODS commandement, but these also that in matter of Religion, and worshipping of GOD, have no other assurance, but the invention and opinion of man, which GOD from the beginning hath ever rejected, as by the Prophet *Esa*, and by our Master Christ Jesus we are taught in their words, *In vaine do they worship me, teaching for doctrines the precepts of men.*

XVI. *Of the perfection of the Law, and the imperfection of man.*

Levit. 18. 5.
Gal. 3. 12.
1 Tim. 1. 18.
Rom. 7. 12.
Pf. 16. 7. &c.
Deut. 5. 29.
Rom. 10. 3.
1 King. 8. 46.
2 Chro. 9. 16.
Eccles. 7. 22.
Prov. 10. 9.
1 Joh. 1. 8.
Rom. 10. 4.
Galat. 3. 13.
Deut. 27. 16.
Phil. 2. 15.
Esa. 64. 6.

The Law of GOD we confesse and acknowledge most just, most equal, most holy, and most perfite, commanding those things, which being wrought in perfection, were able to give life, and able to bring man to eternal felicitie. But our nature is so corrupt, so weake and so imperfect, that we are never able to fulfil the workes of the Law in perfection. Yea, if vve say vve have no sin, even after vve are regenerated, vve deceive our selves, and the veritie of GOD is not in us. And therefore it becometh us to apprehend Christ Jesus with his justice and satisfaction, who is the end and accomplishment of the Law, by whom we are set at this libertie, that the curse and malediction of God fall not upon us, albeit we fulfil not the same in all points. For God the Father, beholding us in the body of his Son Christ Jesus, accepteth our imperfite obedience, as it were perfite; and covers our workes, vvwhich are defiled with many spots, with the justice of his Son. We do not meane that we are so set at libertie, that we owe no obedience to the Law (for that before we have plainly confessed) but this we affirme, that no man in earth (Christ Jesus only excepted) hath given, gives, or shall give in worke, that obedience to the Law, vvwhich the law requires. But when we have done all things, we must fall down & unfeinedly confesse;

that

that we are unprofitable servants. And therefore, whosoever boast themselves of merites of their own works, or put their trust in the workes of Supererogation, boast themselves in that which is nought, and put their trust in damnable idolatrie.

XVII. Of the Kirk.

As we believe in one GOD, Father, Son, and holy Ghost: so do we most constantly believe, that from the beginning there hath been, and now is, and to the end of the world shall be, one Kirk, that is to say, one companie and multitude of men chosen of GOD, who rightly worship and embrace him, by true faith in Christ Jesus, who is the only head of the same Kirk, which also is the body and spouse of Christ Jesus: which Kirk is Catholicke, that is, universal, because it containeth the Elect of all ages, of all realmes, nations, and tongues, be they of the Jewes; or be they of the Gentiles, who have communion and societie with GOD the Father, and with his Son Christ Jesus, through the sanctification of His holy Spirit; and therefore it is called the communion, not of profane persons, but of Saints, who as citizens of the heavenly *Ierusalem*, have the fruition of the most inestimable benefites, to wit, of one GOD, one Lord Jesus, one Faith, and one Baptisme; out of which Kirk, there is neither life, nor eternal felicitie. And therefore we utterly abhorre the blasphemie of them that affirm, that men which live according to equitie and justice, shall be saved; what religion that ever they have professed. For as without Christ Jesus, there is neither life nor salvation; so shall there none be participant thereof, but such as the Father hath given unto his Son Christ Jesus, and these that in time come unto him, avow his doctrine, and believe into him, (we comprehend the children with the faithful parents): this Kirk is invisible, known only to GOD, who alone knoweth whom he hath chosen, and comprehendeth as well (as said is) the Elect that be departed, commonly called *The Church triumphant*, as those that yet live, and fight against sin and Sathan, & shall live hereafter.

XVIII. Of the immortalitie of the souls.

The Elect departed are in peace, and rest from their labours; not that they sleep, and come to a certaine oblivion, as some phantasticks do affirme, but that they are delivered from all fear and torment, and all temptation, to which we and all Gods Elect are subject in this life; and therefore doe beare the name of the Church militant. As contrariwise, the reprobate and unfaithful departed, have anguish, torment and paine, that cannot be expressed. So that neither are the one nor the other in such a sleep, that they feele not their torment, as the parable of Christ Jesus in the sixteenth of Luke, his words to the thief, and these words of the souls crying under the altar, *O Lord, thou that art righteous and just, how long shalt thou not revenge our blood, upon those that dwell on the earth*, do testifie.

XIX. Of the Notes, whereby the true Kirk is discerned from the false, and who shall judge of the doctrine

Because that Sathan from the beginning hath laboured to deck his pestilent Synagogue with the title of the Church of God, and hath inflamed the hearts of cruel murderers to persecute, trouble and molest the true Kirk and members thereof, as Cain did Abel, Ismael Isaac, Esau Jacob, and the whole Priesthood of the Jewes Christ Jesus himself, and his Apostles after him: It is one thing most requisite, that the true Kirk be discerned from the filthy Synagogues, by cleare & perfite notes, least we be being deceived, receive and embrace, to our own condemnation, the one for the other. The notes, signes, and assured tokens, whereby the immaculate Spouse of Christ Jesus is known from the horrible harlot, the Kirk malignant; We affirme are neither Antiquitie, Title usurped, lineal descende, Place appointed, nor Multitude of men approving an error: for *Cain* in age and title was preferred to *Abel* and *Setb*; *Ierusalem* had prerogative above all places of the Earth, where also were the Priests lineally descended from *Aaron*, and greater number followed the Scribes, Pharisees and Priests; then unfeignedly believed and approved Christ Jesus and his doctrine: and yet as we suppose, no man of sound judgement, will grant, that any of the forenamed were the Church of God. The notes therefore of the true Church of God,

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Matt. 28. 20.

Eph. 1. 4.
Col. 1. 18.
Eph. 5. 23, 24.
25, 29.

Apoc. 7. 9.

Eph. 2. 29.

Eph. 4. 5.
John 5. 24.
& 17. 19.1 Tim. 2. 19.
John. 13. 14.
Eph. 1. 10.
Col. 1. 20.
Heb. 12. 4.

Apoc. 14. 13.

Esa. 25. 8.
Apc. 7. 16, 17.
& 22. 4.
& 36. 10, 19.
Esa. 66. 25.
Marc. 9. 44.
46, 48.
Luk. 23. 43.
& 6. 24, 25.
Apo. 6. 9, 10.Gen. 4. 8.
& 21. 9.
& 27. 41.
Matt. 23. 34.
Job. 15. 18, 19.
& 11. 35.
& 15. 20, 24.
Act. 4. 1, &c.
& 5. 17, &c.
Gen. 4. 8.
Psal. 48. 3, 2.
Matt. 5. 35.
John. 14. 24.
Eph. 2. 20.
Act. 2. 42.
John 10. 27.
& 18. 17.
1 Cor. 1. 13.
& 11. 20, 23.
Mat. 16. 11.
Rom. 4. 1.
Mar. 13. 15, &c.
1 Cor. 5. 5.
Matt. 18. 20.

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1 Cor. 1. 2.
2 Cor. 1. 2.
Galat. 3. 2.
Ephes. 1. 2.
Act. 16. 9. 10.
& 18. 1. &c.
& 20. 17. &c.

John 20. 31.
2 Tim. 3. 16. 17.
2 Pet. 1. 20. 21.

John 5. 29.

Ephes. 4. 4.

We believe, confesse, and avow to be, first, the true preaching of the word of God, wherein God hath revealed himself unto us, as the writings of the Prophets and Apostles do declare. Secondly, the right administration of the Sacraments of Christ Jesus, which must be annexed unto the word and promise of God, to seale & confirm the same in our hearts. Last, ecclesiastical discipline uprightly ministred as Gods Word prescribeth, whereby vice is repressed, & vertue nourished. Wherefoever then these former notes are seen, and of any time continue (be the number never so few, about two or three) there without all doubt is the true Church of Christ: who, according to his promise, is in the midst of them. Not that universall, of which we have before spoken, but particular, such as were in *Corinthus*, *Galatia*, *Ephesus*, and other places, wherein the Ministrie was planted by *Paul*, and were of himself named the Churches of GOD: and such Churches, We the inhabitants of the realme of *Scotland*, Professours of Christ Jesus, professe our selves to have in our cities, townes, and places reformed, for the doctrine taught in our Churches, contained in the written Word of GOD, to wit, in the books of the Old and New Testaments; in those books we meane, which of the Ancients have been reputed Canonickall. In the which we affirme, that all things necessarie to be believed for the salvation of mankind, is sufficiently expressed. The interpretation whereof, we confesse neither appertaineth to private, nor publick person; neither yet to any Kirk for any preheminance, or prerogative, personally or locally, which one hath above another, but apperteineth to the Spirit of GOD, by whom also the Scripture was written. When controversie then happeneth, for the right understanding of any place or sentence in Scripture, or for the reformation of any abuse within the Church of GOD, we ought not so much to looke what men before us have said or done, as unto that which the Holy Ghost uniformly speaketh, within the body of the Scriptures, and unto that which Jesus Christ himself did, and commanded to be done. For this is a thing universally granted, that the Spirit of God, which is the Spirit of unitie, is nothing contrarious unto himself. If then the interpretation, determination, or sentence of any Doctor, Church, or Councell, repugne to the plaine Word of God, written in any other place of the Scripture, it is a thing most certaine, that there is not the true understanding and meaning of the Holy Ghost, altho'ough that counsels, realmes, and nations have approved and received the same. For we dare not admit any interpretation, which repugneth to any principall point of our faith, or to any other plaine Text of Scripture, or yet unto the rule of Charitie.

XX. Of the authoritie of the Scriptures.

1 Timoth. 3.
ver. 16. 17.

John 10. 27.

As wee believe and confesse the Scriptures of God sufficient to instruct, and make the man of God perfect; so do we affirme and avow, the authoritie of the same to be of GOD, and neither to depend on men nor angels. We affirme therefore, that such as alledge, the Scripture to have no other authoritie, but that which it hath received from the Church, to be blasphemous against GOD, and injurious to the true Church, which alwayes heareth and obeyeth the voice of her owne Spouse and Pastor, but taketh not upon her to be Mistresse over the same.

XXI. Of generall Councils, of their power, authoritie, and cause of their Convention.

Galat. 3. 12.
12, 13, 14.

1 Tim. 4. 1, 2, 3.

Col. 2. 18, 19,
20, 21, 22, 23.

As we do not rashly damne that which godly men, assembled together in generall Councils lawfully gathered, have proponed unto us; so without just examination, dare we not receive whatsoever is obtruded unto men, under the name of generall Councils: for plaine it is, as they were men, so have some of them manifestly erred, and that in matters of great weight and importance. So far then, as the Council provoketh the determination and commandement that it giveth, by the plaine Word of GOD: so soone do we reverence and imbrace the same. But if men under the name of a Council, pretend to forge unto us, new Articles of our faith, or to make constitutions repugning to the Word of GOD: then utterly we must refuse the same, as the doctrine of Devils, which draweth our soules from the voice of our only GOD, to follow the doctrines and constitutions of men. The cause then why that generall Councils convened, was neither to make any perpetuall Law,

which

which God before had not made, neither yet to forge new Articles of our belief, nor to give the Word of GOD authoritie; much lesse to make that to be his word, or yet the true interpretation of the same, which was not before, by his holy will, expressed in his word: but the cause of Councils (we meane of such as merite the name of Councils) was partly for confutation of heresies, and for giving publick confession of their faith, to the posteritie following, which both they did by the authoritie of GODS written word, and not by any opinion or prerogative, that they could not erre, by reason of their generall assemblie: And this we judge to have been the chiefe cause of general Councils. The other was for good policie and order, to be constitute and observed in the Kirk, which (as in the house of GOD) it becometh all things to be done decently and in order. Not that we think, that any policie, and an order in ceremonies, can be appointed for all ages, times and places: for as ceremonies, such as men have devised, are but temporall: so may and ought they to be changed, when they rather foster superstition, than edifie the Church, using the same.

XXII. Of the Sacraments.

As the Fathers under the Law, besides the veritie of the Sacrifices, had two chief Sacraments, to wit, *Circumcision* and the *Passover*; the despisers and contemners whereof, were not reputed of Gods people: so do we acknowledge and confesse, that we now in time of the Euangell have two chief sacraments only, instituted by the Lord Jesus, and commanded to be used of all those, that will be reputed members of his body: To wit, *Baptisme*, and the *Supper*, or *Table of the Lord Jesus*; called the *Communion of his body and blood*. And these Sacraments as well of the old, as of the new Testament, now instituted of God, not only to make a visible difference betwixt his people, and these that were without his league; but also to exercise the faith of his children, and by participation of the same Sacraments, to seal in their hearts the assurance of his promise, and of that most blessed conjunction, union, and societie, which the Elect have with their head *Christ Jesus*. And thus we utterly damne the vanitie of these, that affirme Sacraments to be nothing else but naked and bare signes. No, we assuredly believe, that by Baptisme we are ingrafted in Christ Jesus, to be made partakers of his justice, whereby our sinnes are covered and remitted. And also, that in the Supper rightly used, Christ Jesus is so joyned with us, that he becometh very nourishment and food to our Soules. Not that we imagine any Transubstantiation of Bread into Christs natural Body, and of Wine into his naturall Blood, as the Papists have perniciously taught, and damnably believed: But this Union and Conjunction, which We have with the Body and Blood of CHRIST JESUS, in the right use of the Sacraments, wrought by operation of the Holy Ghost, who by true faith carryeth us above all things that are visible, carnall and earthly, and maketh us to feed upon the body and Blood of Christ Jesus, which was once broken and shed for us, which now is in heaven, and appeareth in the presence of his Father for us; and yet notwithstanding the farre distance of place, which is betweene his body now glorified in the Heaven, and us now mortall in this earth: yet wee most assuredly believe, that the bread which we break, is the communion of Christs body; and the cup which we blesse, is the communion of his blood. So that we confesse, and undoubtedly believe, that the Faithful, in the right use of the Lords table, do so eat the body, and drink the Blood of the Lord Jesus, that he remaineth in them, and they in him: Yea, they are so made flesh of his flesh, and bone of his bones, that as the eternall God-head hath given to the flesh of Christ Jesus (which of the own condition and nature was mortall and corruptible) life and immortality; so doth Christ Jesus his flesh and blood eaten and drunken by us, give unto us the same prerogatives. Which albeit we confesse, are neither given unto us at that time only, neither yet by the proper power and vertue of the Sacrament only: yet we affirme, that the Faithful, in the right use of the Lords table, have such conjunction with *Christ Jesus*, as the naturall man can not apprehend: yea, and further we affirme, that albeit the Faithful oppressed by negligence, and manly infirmities, doe not profite so much, as they would, in the very instant action of the Supper, yet shall it after bring fruit forth, as lively seed sowne in good ground. For the holy Spirit, which can never be divided from the right institution of the Lord Jesus,

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A2. 13. 1. &c

1 Tim. 3. 15.
Hebr. 1. 2.
1 Cor. 14. 40.

Gen. 17. 10.
Exo. 12. 1. &c
Gen. 17. 4.
Num. 9. 13.
Matt. 28. 19.
Marc. 16. 17.
& 6. 16.
& 14. 22.
Luc. 22. 19.
1 Cor. 11. 4.
& 10. 16.

Rom. 6. 3, 4, 5
Gal. 3. 27.

Marc. 16. 19.
Luk. 24. 51.
A2. 1. 11.
& 1. 11.
1 Cor. 10.

Ephef. 5. 30.
Matt. 27. 10.
Marc. 15. 37.
Luk. 23. 46.
John 19. 30.
& 6. 51, 53.
14. 53. 16.
27. 18.

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will not frustrate the Faithfull of the fruit of that mysticall action, but all these, we say, come of true Faith, which apprehendeth *Christ Jesus*; who only maketh his Sacraments effectually unto us. And therefore, whosoever slandereth us, as that we affirme and believe, sacraments to be naked and bare signes, do injurie unto us, and speak against the manifest Truth. But this liberally and frankly we confesse, that we make a distinction between *Christ Jesus* in his eternal substance, and between the elements in the sacramental signes. So that we will neither worship the signes, in place of that which is signified by them, neither yet do we despise and interpret them, as unprofitable and vaine, but do use them with all reverence, examining our selves diligently before that we so do. Because we are assured by the mouth of the Apostle, that such as eat of that bread, and drink of that cup unworthily, are guiltie of the bodie and blood of *Christ Jesus*.

1 Cor. xi. 28,
29.

XXIII. Of the right administration of the Sacraments.

That Sacraments be rightly ministrate, we judge two things requisite: The one, that they be ministrate by lawful Ministers, whom we affirme to be only they, that are appointed to the preaching of the word, into whose mouth God hath put some Sermon of exhortation, they being men lawfully chosen thereto by some Church. The other, that they be ministrate in such elements, and in such sort, as GOD hath appointed, else we affirm that they cease to be the right Sacraments of *Christ Jesus*. And therefore it is, that we flie the doctrine of the Papistical Church, in participation of their Sacraments: first, because their Ministers are no Ministers of *Christ Jesus*; yea, (which is more horrible) they suffer women, whom the holy Ghost will not suffer to teach in the Congregation, to Baptize: and secondly, because they have so adulterated both the one Sacrament and the other, with their own inventions, that no part of *Christ's* action abides in the original puritie. For Oile, Salt, Spittil, and such-like in Baptisme, are but mens inventions. Adoration, veneration, bearing throughout streets and townes, and keeping of bread in boxes or buists are profanation of *Christ's* Sacraments, and no use of the same. For *Christ Jesus* said, Take eate, &c. doe ye this in remembrance of me: By which words and charge, he sanctified bread and wine, to the Sacrament of his holy body and blood, to the end, that the one should be eaten, and that all should drink of the other; and not that they should be kept to be worshipped, and honoured as God, as the Papistes have done here before. Who also have committed sacriledge, stealing from the people the one part of the Sacrament, to wit, the blessed Cup. Moreover, that the Sacraments be rightly used, it is required, that the end and cause why the Sacraments were institute, be understood and observed, as well of the Minister, as by the receivers. For if the opinion be changed in the receiver, the right use ceaseth, which is most evident by the rejection of the sacrifices; As also, if the teacher plainly teach false doctrine, which were odious and abominable before God, (albeit they were his owne ordinances) because that wicked men use them to another end then GOD hath ordained. The same affirme we of the Sacraments in the papistical Church, wherein we affirme the whole action of the Lord *Jesus* to be adulterated, as well in the external forme, as in the end and opinion. What *Christ Jesus* did, and commanded to be done, is evident by the Evangelists, and by *Sanct Paul*: What the Priest doth at his altar, we need not to rehearse. The end and cause of *Christ's* institution, and vwhy the same should be used, is expressed in these vwords. Doe ye this in remembrance of me; so oft as ye shall eat of this bread, and drinke of this cup, ye shall show forth, that is, extol, preach, magnifie, and praise the Lords death, till he come againe. But to vwhat end, and in vwhat opinion the Priests say their Masse, let the vwords of the same, their ovvne doctors and vvrittings vvittnesse: To vvitt, that they, as mediators betweene *Christ* & his Church, do offer unto GOD the Father a sacrifice propitiatorie, for the sins of the quick and the dead: Which doctrine, as blasphemous to *Christ Jesus*, and making derogation to the sufficiencie of his only Sacrifice, once offered for purgation of all these that shall be sanctified, vve utterly abhor, detest, and renounce.

Math. 26, 26,
&c.
Mara. 14. 22,
&c.
Luk. 22. 19.
&c.
1 Cor. 11. 24.

1 Corin. 11.
25, 26.

Heb. 9. 27, 28

XXIV. *To whom Sacraments appertaine.*

We confesse and acknowledge, that Baptisme appertaineth as well to the infants of the Faithful, as unto them that be of age and discretion; and so vve damne the error of the Anabaptists, vvhoe deny baptisme to appertaine to children, before they have faith and understanding. But the supper of the Lord vve confesse to appertaine to such only as be of the houshold of faith, and can try and examine themselves, as vvell in their faith, as in their duetie towards their neighbours: Such as eat and drink at that holy table vvithout faith, or being at dissension or division vvith their brethren, doe eat unworthily: and therefore it is that in our kirk, our Ministers take publick and particular examination of the knowlledge and conversation of such as are to be admitted to the table of the Lord *Jesus*.

XXV. *Of the civile Magistrate.*

We confesse and acknowledge Impires, kingdomes, dominions, and cities, to be distincted and ordained by GOD; the powers and authoritie in the same, be it of Emperours in their impires, of Kings in their realmes, Dukes and Princes in their dominions, and of other Magistrats in the cities, to be Gods holy ordinance, ordained for manifestation of his own glory, and for the singulare profite and commoditie of mankinde: so that whosoever goeth about to take away, or to confound the whole state of civile policies, now long established, we affirme the same men, not only to be enemies to mankinde, but wickedly to fight against Gods expresse will. We further confesse and acknowledge, that such persons, as are placed in authoritie, are to be loved, honoured, feared, and holden in most reverend estimation, because that they are the Lieutenants of God, in whose sessions God himself doth sit, and judge: yea, even the Judges and Princes themselves, to whom by GOD is given the sword, to the praise and defence of good men, and to revenge and punish all open malefactors. Moreover, to Kings, Princes, Rulers, & Magistrats, we affirme, that chiefly and most principally the conservation and purgation of the religion appertaine; so that not only they are appointed for civile policie, but also for maintenance of the true religion, and for suppressing of idolatrie and superstition whatsoever: as in *David*, *Josaphat*, *Ezechias*, *Josias*, and others, highly commended for their zeal in that case, may be espyed. And therefore we confesse and avow, that such as resist the supreme power, doing that thing which appertaineth to his charge, do resist Gods ordinance; And therefore can not be guiltlesse. And further we affirme, that whosoever deny unto them aide, their counsel and comfort, whiles the Princes and Rulers vigilantly travel in execution of their office, that the same men deny their helpe, support, and counsel to GOD, who by the presence of his Lieutenant doeth crave it of them.

XXVI. *Of the gifts freely given to the Church.*

Albeit that the word of GOD truly preached, and the Sacraments rightly ministrated, and discipline executed, according to the word of GOD, be the certaine and infallible signes of the true Church: we meane not that, every particular person joyned with such company, be an elect member of *Jesus Christ*: For we acknowledge and confesse, that dornel, cockel, and chaffe may be sowne, grow, and in great abundance lye in the midst of the wheat; that is, the reprobate may be joined in the societie of the Elect, and may externally use vvith them the benefites of the Word and Sacraments. But such being but temporal professors in mouth, but not in heart, do fall back and continue not to the end; And therefore have they no fruit of Christs death, resurrection, nor ascension. But such as with heart unfeinedly believe, & with mouth boldly confesse the Lord *Jesus*, as before we have said, shall most assuredly receive these gifts. First in Christs blood; in so much, that albeit sin remaine, and continually abide in these our mortal bodies, yet it is not imputed unto us, but remitted, and covered vvith Christs justice. Secondly, in the general judgment there shall be given to every man and woman resurrection of the flesh; For the sea shall give her dead, the earth those that therein be inclosed: yea, the Eternal our

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Col 3. 11, 12.
Rom. 4. 11.
Gen. 17. 10.
Matt. 23. 19.

1 Cor. 13. 19.

Rom. 13. 1.
Titus 3. 1.
1 Pet. 2. 13.

Rom. 13. 13.

Rom. 13. 7.
1 Pet. 2. 7.
Psal. 82. 1.

1 Chron. 21.
23, 24, 25.
26. Chapt.
& 17. 7.
10. & 31.
1 Chr. 14.
33, Chron.

Matt. 11. 24.
&c.

Matt. 13. 20.
&c.
Ro 10. 9, 13
Rom. 7.
1 Cor. 13. 11.
Joh. 5. 28, 29
Apoc. 10. 21.
Job. 19. 25.
26, 28.
Matt. 13. 31.
Apoc. 14. 18.

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GOD shall stretch out His hand on the dust, and the dead shall arise incorruptible, and that in the substance of the self same flesh that every man now beareth, to receive according to their works glory, or punishment. For such as now delight in vanitie, cruelty, filthinesse, superstition, or idolatrie, shall be adjudged to the fire unquenchable, wherein they shall be tormented for ever, as well in their owne bodies, as in their souls, vvhich novv they give to serve the devil in all abomination. But such as continue in vvell doing to the end, boldly professing the Lord Iesus; vve constantly believe, that they shall receive glory; honour, and immortalitie, to reigne for ever in life everlasting, vvith Christ Iesus; to vvwhose glorified body all his Elect shall be made like, vvhen he shall appear againe in judgment, and shall render up the kingdom to GOD his Father, who then shall be, and ever shall remaine in all things God blessed for ever: To whom, with the Son, and with the holy Ghost, be all honour and glory, for now and ever. So be it.

Rom. 26. 7,
8, 9, 10.
Philipp. 3. 21.
1 Cor. 15. 24,
28.

Num. 9. 35.
Psalm 68. 1.
A.C. 4. 29.

Arise, O Lord, and let thine enemies be confounded, let them flee from thy presence that hate thy godly Name. Give thy servants strength to speak thy word in boldnesse, and let all nations cleave to thy true knowledge, Amen.

Sir James Sandelands Lord of Saint John, was directed to France to Queen Marie, to seek the ratification of the Confession of faith and these acts; but returned with a refusal: no less was expected; but yet it was thought meet to try her disposition: Nor was her refusal much regarded; feing they had her and her husbands warrant for holding this Parliament. The acts were put in execution after her returne, and all againe ratified in the parliament holden by the good Regent, in the minoritie of King James anno 1567. After the dissolving of the Parliament, commission was given to Mr Knox, Mr Iohn Winram, Mr Iohn Spotswood, Mr Iohn Row, Iohn Willock and Mr Iohn Douglas, to set down the heads of discipline, as well as they had done of doctrine. They obeyed and presented it to the Nobility. Some approved it, and wished to have it ratified by law. Others, perceiving their carnal liberty to be restrained; and worldly commodity to be impaired by modification of stipends to Ministers, Professours in schooles, and dispensing the Kirk-rents to godly uses, grudged; and the name of the book of Discipline became odious unto them: yet a number of the Nobility; subscribed it in the moneth of Januar after following.

Material
points of
the first
Book of
Discipline.

Before the Confession of faith was formed, and ratified in Parliament, & the Book of discipline contrived, the reformed Kirk within this Realme had that book, which was prefixed to the psalmes in meeter, for their direction in discipline & external worship; which book is called in the book of discipline, the *Book of common order*, or the *Order of Geneva*; whereby is meant the order of the *English Kirk of Geneva*, where Mr Knox had been sometime Minister. In this *Book of Common order*, the minister, if he be present, and required, is allowed to go to the Kirk, to make some comfortable exhortation to the people, touching death and the resurrection, after the corps is laid in the grave. Mr Cartwright in his first reply to doctor Whytgift hath these words. *Although the English Church of Geneva had that in the book of common prayer (to wit, concerning funeral sermons) yet as I have heard of those, who were present, it was not so used: and if it had been; yet thereby it is not proved, that Mr Calvine allowed of it.* This point of the *Book of common order* is corrected in the *Book of discipline*; where many valid reasons are brought in to proye the inconveniencie of funeral sermons. That *Book of common order* has been allowed in administration of the Sacraments, Celebration

of

of marriage, and other heads contained in the same. By it we may see how the sacraments have been ministred, since there were any reformed congregation in *Scotland*; and ever since the publick and universal Reformation. None are tyed to the prayers of that book; but the prayers are set down as samplers, as you may see in the direction set down before the confession of sins: where the minister is said to use that confession; or the like in effect. Before this book of common order is set down the confession of the English Church at *Geneva*, which was approved by our reformed Kirk, before this other confession of our Kirk was ratified at this last parliament. In this confession prefixed to the book of common order, we have these words. *Neither must we in the administration of the Sacraments, follow mans fantasie; but as Christ himself hath ordained, so must they be ministred; and by such, as by ordinarie vocation, are thereunto called.* In this book of common order were insert, or added after thereunto, the forme & order of Election & Admission of Superintendents, the treatise of Excommunication, the treatise of Fasting, & some prayers, which were penned by occasion of troublesome times.

Where it is said in the Confession of faith, ratified by the Estates in Parliament. *that we think not, that any policie or one order in ceremonies can be appointed for all ages, times and places: for as ceremonies, such as men have devised, are but temporarie; so may and ought they to be changed, when they rather foster superstition, then edifie the Kirk using the same.* The words are not so to be taken, as if the Kirk had power to institute sacred rites; but only to make institutions of order and decencie, in the ministration of such rites and parts of divine service, as the Lord had already instituted: As may be seen in the book of Discipline, where in the heads of the policie of the Kirk. they distinguish betwixt things necessarie to be observed in every Kirk, and things variable, to be ordered by every congregation: and allow every particular Kirk to have a particular policie of her own, without prejudice of the common or general; as for example; whether the congregation should assemble this or that day of the week, or how many dayes in the week, or if but once. In this or the like, every particular Kirk may appoint their own policie.

The Book of discipline was accommodat to the time, in some points; & liberty was reserved to the posterity to establish a more perfect, as you may see in *Mr Knox* his historie. That which was temporary may be discerned from that which they esteemed not to be alterable, by some reason or respect alledged. And indeed we may safely say, that the whole was recommended to be perpetually observed, except some few things, as the office of Superintendents, Exhorters, Readers, and some other things, whereunto they were forced, as they thought, through necessity; the police of the Kirk being so defaced before, in the time of Popery, that it could not be perfectly repaired in haste.

In the first head, superstitious observation of fasting dayes, and keeping of holy dayes to certain saints, and Christmas, are condemned.

In the second head, they require a lawful minister to administer the sacraments, doctrine to preceed the ministration, & that nothing be added, diminished or changed in Christs institution. They require sitting at the Lords table, as most convenient, and approaching nearest to the supper ministred by Christ himself; that the ministers break the bread, and distribute the same to those that be next, & command the rest every one with

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reverence and sobriety to break to other: because this forme cometh nearest to the paterne of the first supper.

In the third head, they require, that idolatrie, with all the monuments and places of the same, as Abbayes, Monkries, Fricries, Nunries, Chappels, Chantries, Cathedrall Churches, Chanonries, Colledges, others then presently are parish Kirks, or schooles, be utterly overthrowen, except only mansions and dwelling places adjacent, with their orchards and yeards.

In the fourth head, they acknowledge that it is altogether to be avoided, that any man be thrust violently upon the Congregation. No mention here of presentation by a Patron or to a Bishop, or of trial by the Archdeacon, as the manner is in the popish, and was in the english Church. They require, that the Minister be admitted in presence of the people. They set down a sharp examination of him that is to be admitted: notwithstanding the great rarity of godly and learned men; laying this for a ground, that it is alike to have no minister at all, and to have an idoll Minister in place of a true Minister, yea in some cases worse; for these that be altogether destitute of Ministers, will be diligent to search for them; when as having but a vaine shadow, they content themselves. They allow in Churches, where Ministers cannot be had, men that can distinctly read the common prayers and the Scriptures; but not to Minister the Sacraments, unless in proceess of time they grow in gifts, and be able to deliver wholesome Doctrine: and yet not before they be admitted. So howbeit they allow Readers, they allow not reading Ministers. *Imposition of hands* they judge not necessary in the admission of Ministers. The order observed in the admission of Ministers, you may see likewise in the book of common order, to have been without imposition of hands.

In the fifth head, they make mention of two sorts of Readers, or of Readers and Exhorters.

In the sixth head, they give a reason wherefore they make a difference, at this time, among Ministers; some to be Superintendents, & some to be ordinary Ministers; not because Superintendents were of divine institution, or an order to be observed perpetually in the Kirk: but because they were forced only at this time to make the difference; lest if all the Ministers should be appointed to make continual residence in several places, when there was so great rarity of preachers, the greatest part of the Realme should be destitute of the preaching of the word. And therefore thought it expedient, that ten or twelve should be selected to preach, to plant and erect Kirks in the countreyes committed to their cure. They were not then of the opinion, that the office of a Bishop is an ordinarie and perpetual Office in the Kirk, institute by Christ or his Apostles: for then they had substitute others in the places of Popish Bishops. In the election, examination and admission of Ministers, they bind the Superintendent to the order prescribed before in the fourth head, which is far different from the order observed by Prelats. They keep not the bounds nor the limits of the old diocies, whereof some were too great, and larger then the Bishops could well fathome in their armes. The Superintendents must not remaine above twenty dayes in any place, till they have passed through the whole bounds, and must preach thrice in the week at the least, and must not stay longer in the chief town of their charge, then three or four moneths at the most; but must reenter in visita-

tion of the rest of the Kirks in their bounds. Bishop think preaching the least part of their charge. The election, examination and admission of the Superintendent, is set down far different from the election, examination and admission of Bishops now adays. For the people is debarred from nomination, and their interest, in the election of Bishops. The Earles, Lords, Barons, Gentlemen, Burgeses are not desired to be present at the triall; yea nor the Ministers of the diocies. The king only, as he is solicited by some courteour, presenteth the man; and the Deane and Chapter is convocat, not so much to try, as to consent; not to try many, but to receive that one. Other ceremonies, then sharp examination, approbation of the Minister and superintendents, with the publick consent of the elders and people, they cannot allow in the admission of the Superintendent. To the inauguration of a Bishop is required the Metropolitans consecration. The Superintendent must be subject to the censure and correction of Ministers, not of the chief town only, but also of the whole province, over which he is appointed overseer. *Mr John Spotswood* superintendent, at his admission being demanded concerning this point, answered, as you may see in the book prefixed before the psalmes, that he willingly subjected himself to the discipline of the Church; yea to the discipline of the same Church, by the which he was then called to that Office and Charge: *for (saith he) the vocation of God to bear charge, within his Church, maketh not men tyrannes or Lords, but appointeth them servants, watchmen and pastors to the flock.* So he gave that same answer to the demand, that other Ministers were bound to give. But his sone *Mr John Spotswood*, afterward pretended Bishop of *St Andrews*, has said plainly, that he will not be subject to such a crew. In this head of Superintendents. we have no degrees of superior and inferior, provincial and general Superintendents; but all of one rank, without subordination of some to others; which is otherwayes in the hierarchie of the Prelats, where we have Bishops, Archbishops, Primats and Patriarches. Howbeit this book of discipline requireth ten or twelve superintendents; yet we had never but five, *Mr John Spotswood* for *Lothian*, *Mr John Winram* for *Fyfe*, *Mr Willock* for *Glasgow*, the *Laird of Dun* for *Angus* and *Mearnes*, *Mr John Creswel* for *Argile* and the *Isles*.

In the head of Schools and Universitics, they require, that Universities may be doted with temporal lands, with the rents and revenues of the Bishopricks temporality, and of collegiat Kirks, so far as their ordinarie charges shall require. Little respect carried they to the estate of Bishops, that would have their temporalities and revenues thus bestowed.

In the head of patrimonie and rents of the Kirk, ye see, how they dispoone the whole revenue of the temporalitie of Bishops, Deans, Archdeacons lands, and of all rents of lands pertaining to the cathedral Kirks.

In the head of ecclesiastical discipline, they require, that not only persons guilty of capital crimes be censured, if they escape death; but also drunkards; fornicators, oppressours of the poor by exactions, such as deceive by buying and selling, by false met and measure, such as exceed in apparel or eating and drinking, or are lascivious and licentious, wanton in words or deeds. In this head are set down the causes, as well of publick Repentance, as of Excommunication; but the forme

1560.

& order of proceeding was set down there after, in the treatise of Excommunication, penned by *Mr Knox* at the direction of the Assembly, which is insert in the Book prefixed before the Psalmes.

In the head of election of Elders and Deacons, they require, that if the Kirk be of a smaller number, then that the Seniors or Deacons can be chosen from among them, that they be joined to the next adjacent Kirks: because plurality of Kirks, without Ministers and order, rather hurteth then edifieth. They require, that the Seniors admonish the Minister, if there be cause; correct him, if he deserve; and, if his offence meriteth, with consent of the Congregation and Superintendent, depose him. They allow not Deacons to preach: They allow them to assist the Minister and Elders in judgment, if they be required. But the order of censuring Ministers, and the office of Deacons, were otherwise ordered after, in the Book of Policy. They will not have the Minister to be one of the Councel, though he were never so apt for the purpose; but will have him either to cease from his ministrie, which at his own pleasure he may not do; or else from bearing charge in civil affairs: Unless it be to assist the Parliament, if he be called; meaning with advice; not by voice, or as sitting a Member in that Court.

In the head of the Policy of the Kirk, they distinguish between things necessary to be observed in every Kirk, and things variable to be ordered by every Congregation. That day of the week, that there is a Sermon, they approve not the exercise of common Prayers; *Least*, say they, *we either foster the people in superstition, who come to the Prayers, as if they came to the Masse; or give them occasion to think these are not Prayers, which are used before and after Sermon.* Baptisme they think expedient, that it may be ministred on the Lords day, or on the week dayes after sermon; partly to remove the gross error of many, who think that the children be damned, if they depart without baptisme: Partly to make the people have greater reverence to the ministration of the sacraments, then they have: They think four times in the year sufficient for ministration of the Lords supper: but would have the superstition of times avoided, as far as may be. *For your honours are not ignorant (say they) how superstitiously the people run to that action of Pasch, as if the time gave vertue to the Sacrament, and how in the rest of the whole Year they are careless and negligent, as if it appertained not to them, but at that time only.* They require frequent reading of the Scripture in the Congregation, and that it be read in order, that is, that a Book of the Old or New Testament be begun, and orderly read to the end. The like they require in preaching. This condemneth the cutting of the Scripture in shreds, which they call, Gospels and Epistles.

In the head of prophesying, they require that the Ministers of the parish Kirks within six miles to every chief town, and the Readers, if they have any gift of interpretation, meet in the said town, to this exercise, every week, that the Kirk may have knowledge of the gifts, graces and utterance of every man. This custome hath been observed since the reformation.

In the head of marriage, they require publick proclamation three severall Sundayes, unless the person be so known, that no suspicion of danger may arise: but this restriction was rejected after by the acts of the Gene-

ral Assembly. But no wayes can they admit marriage to be used secretly, how honourable so ever the persons be. 1560.

In the head of burial, they approve neither Reading, nor Singing, nor Funeral Sermons at burials; or that the Kirk be made a place of burial: but that some other secret and convenient place, lying in the most free air, be appointed for that use.

In the head of reparation of Kirks, they require neither Font nor Altar, but a Basen for baptizing, & a Table for ministrat[i]on of the Lords supper.

In the last head, they require, that papisticall Priests be straightly inhibited to minister the Sacraments; because they have neither power nor authority, nor having the word of exhortation in their mouths, notwithstanding of their usurpation in time of blindness.

The Book of Policie, which was penned afterward, doth not abolish this Book of Discipline; but only so much, as was admitted for a time, and accommodat to the infancie of the Kirk, wanting power and means to practise many things. It cleareth and setteth down more distinctly, the ordinary Office-bearers of the Kirk and their Offices; the Assemblies of the Kirk, and Matter belonging to every sort of these Assemblies; the dispensing of the Patrimonie of the Kirk; the Office of the Christian Magistrat, and some other points; either lightly or not at all touched in this Book of Discipline.

As our Kirk acknowledged only four sorts of ordinary & perpetual Office-bearers in the Kirk, to wit, *Pastors, Doctors, Elders & Deacons*, & admitted Superintendents for necessity only in the beginning; because there was so great rarity of Ministers to preach the word; so it hath had ever from the beginning four sorts of Assemblies, *National*, which were commonly called *general Assemblies*; *Provincial*, which were commonly called by the general name of Synods: *weekly meetings* of Ministers and Readers for interpretation of the Scripture, whereunto succeeded Presbyteries, that is, meetings of many Ministers and Elders for the exercise of discipline; and the *Eldership* of every parish, which others call a presbyterie. By the authority of the general Assemblies, meeting frequently, were abuses and corruptions removed, the Office bearers and other Professors kept in good order, all the Office-bearers urged to painfulness in the Lords vineyard; and so the work of reformation was wonderfully advanced. Without these Assemblies the Superintendent could have done little good; yea scarce could they discharge the duties imposed upon them, either so faithfully, or so painfully, as they ought, notwithstanding the authority and frequent meeting of these Assemblies, taking trial of their travels and proceedings: yea, by process of time, their office would have brought forth these same very effects, that it did in *Germanie*, whereof *Gualter* maketh a heavie complaint, in his *Homilies* upon *Luke Hom. 132*. So dangerous a thing it is, to give the least piece of preeminence in power to one Minister above another.

The first General Assemblie was holden at *Edinburgh* the twenty day of *December* 1560. At this Assemblie, the names of such, as were thought best qualified for the ministrie, were given up by the Ministers and Commissioners convened, in which number we shall find sundrie learned Men, who had not yet entered to the ministrie; as *Mr John Rutherford*, *Mr William Ramsay*, *Mr James Wilkie*, *Mr Robert Hamiltoun*, *Mr Patrick Constane*, afterward surnamed *Adamson*, *Mr Alexander Arbuthnot*, *Mr Robert Pont* &c. Others had been appoint-

The first
general As-
semblie.

1560.

ed before after the solemne thanksgiving to be Superintendents, and some to be Ministers in chief townes, *Mr Knox* for *Edinburgh*, *Christopher Goodman* for *St Andrews*, *Mr John Row* for *Perth*, *Adam Heriot* for *Aberdeen*, *William Christefone* for *Dundie*, *David Fergusone* for *Dumfermling*, *Mr David Lindsey* for *Leith*; but they were not at that time admitted, but to be admitted. It was ordained at the Assembly, that Ministers, Elders and Deacons be admitted publickly in the Kirk, and that premonition be made, the Lords Day preceeding. In this moneth, *Francis*, Husband to our *Queen*, departed suddainly, being smitten with an apostume in his ear; a matter of joy to Protestants both in *France* and *Scotland*.

1561.

The first
Book of
Discipline
subscribed

At the Convention holden in *Januar*, the Book of Discipline was subscribed by a great part of the nobility, to wit, the *Duke*, the *Earles of Arran*, *Argile*, *Glencarne*, *Marshel*, *Menteith*, *Mortoun*, *Rothes*, *Lord James*, *Lord Testar*, *Lord Lindsay*, *Lord Boyd*, *Lord Ochiltre*, the *Master of Maxwell*, and the *Master of Lindsay*, *Barons*, *Drumlanerike*, *Lochinvar*, *Garleis*, *Bargainie* and *Mr Alexander Gordoun* Bishop of *Galloway*, *Alexander Campbel* Dean of *Murray*, and fundrie others. They acknowledge it to be good, and according to Gods Word, and promised to set the same forward to the uttermost of their power: providing that the Bishops, Abbots, Priors and other Prelats and beneficed men, which had already joined themselves to the Reformed Kirk, bruike their revenues and benefices during their life time, they sustaining and upholding the Ministers, as is specified in the said Book of Discipline. The forsaide persons subscribed the Book of Discipline upon the seventeenth of *Januar* 1560. according to the old calculation, but 1561. according to the new, which we minde to follow in the Years following. *Mr John Spotswood* was admitted superintendent in *Lothian*, upon the Ninth of March after. The forme and order of his admission is insert in the Book of Common order prefixed before the Psalms.

Queen
Maries ar-
rival.

Queen Marie arrived at *Leith* upon the twenty day of *August*, and had her masse upon the Lords day the twenty fourth of *August*, whereat great offence was taken: *Mr Knox* rebuked openly some chief Professours, that suffered her, and threatned that which befel them after in the Year 1565. No known Massemonger, or pestilent Papist might be seen in publick in any reformed town, before her arrival.

At the General Assemblie holden in *Edinburgh* in *December*, the Professors, that ruled the court, began to draw themselves apart from their brethren; as also to withdraw some other Lords; and yet raged, that any thing should be consulted upon without their advice. The Ministers denied they had done any thing otherwise, then common order required; and reprov'd them for not convening with their brethren; saying they were not ignorant of the order, and that the same was appointed by themselves, as the Book of Discipline, subscribed by the most part with their own hands, would bear witnes. Some began to deny, that ever they knew such a thing, as the Book of Discipline; and called also in doubt, whether it was expedient, that such conventions should be holden; alledging that it was a matter of jealousy, that subjects should hold Assemblies without the knowledge of their Prince. It was answered, that the Prince understood, that there was a reformed Kirk within this Realme, and that they had their orders and appointed times for meeting. The *Queen* knoweth well

enough,

enough, said *Lethington*: but the question is, whether the *Queen* alloweth such conventions. It was replied; if the liberty of the Kirk should depend upon the *Queens* allowance or disallowance, we are assured, we shall be deprived, not only of Assemblies, but also of the publick preaching of the Gospel. The contrarie was alledged. Time will try, said the replier, and I add, said he, take from us the freedome of Assemblies, and take from us the Evangel: For without Assemblies, how shall good order and unity in doctrine be kept. It is not to be supposed, that all Ministers shall discharge their office so duely, or behave themselves so well in their conversation, as that they shall not need admonition. It may be also, that some refractory persons will not regard the admonition of simple Ministers; for remedie whereof it is necessary, that there be General Assemblies holden, in which the judgment and gravity of many may correct and repress the follie and errors of a few. The most of the Nobility and Barons, that were sent, approved these reasons, and willed the Reasons for the *Queen* to counsel her, if she was jealous of anything that was to be treated, to send such, as it would please her to appoint, to hear and observe.

Thereafter it was desired, that the Book of Discipline might be ratified by the *Queens* Majesty. *Lethington* scripped at this motion, and asked, how many of these, that had subscribed it, would be subject unto it? It was answered, all that were godly. Will the *Duke*? said *Lethington*. If he will not, I wish he were scraped out, not only out of that Book. but also out of our number and company, said *Ochiltree*: For to what purpose should travel be taken to set the Kirk in order, if it be not kept, and to what end shall men subscribe, if they never mean to performe. *Lethington* answered, many subscribed them *in fide parentum*, as the bairnes are baptized. Ye think that proper stuff, answered *Mr Knox*; but it is as true, as improper: that Book was read in publick audience, and the heads thereof reasoned upon diverse dayes, as all that sit here know very well, and your self cannot deny: No man therefore was desired to subscribe that which he understood nor. Stand content, said one, the ratification of the Book will not be obtained. Let God, said the other, require the detriment, which this Kirk and Commonwealth shall find by the want of things therein prescribed, from the hands of such as stop the same.

Master Knox in his conference with the *Queen* about this time had this speech. If Princes exceed their bounds, they may be resisted even by power; for there is no greater honour nor obedience to be given to Princes, then God hath Commanded to be given to Father and Mother: If Children joine together against their Father, stricken with a phrensie, and seeking to slay his own Children, apprehend him, take his sword or other Weapons from him, binde his hands and keep him in prison, till his phrensie overpass, do they any wrong, or will God be offended with them for hindering their Father, from committing horrible Murder? Even so, *Madam*, if Princes will murder the children of God, their subjects, their blind zeal is but a mad phrensie. To take the sword from them, to binde their hands and to cast them in prison, till they be brought to a sober minde, is not disobedience, but just obedience; because it agreeth with the Word of God. The *Queen* stood still as one amazed, for the space of a quarter of an hour, and changed her countenance. No appearance was there at this time of her imprisonment.

1561.

Altercation
about the
first Book
of Discipline.

Mr Knox
his conference
with
the *Queen*.

In

1562.

A General
Assemblee.M. A. Gordoun not
acknowledged for
Superintendent.A General
Assemblee.

In the General Assemblee holden at *Edinburgh*, beginning the pe-
nult of june, it was ordained, that at every Assemblee Superintendents,
Ministers and Elders convened, be tried in their life, doctrine and
execution of their office; that Ministers be not removed from their
Kirks, but according to the order set down in the Book of discipline.

This Assembly would not acknowledge Mr *Alexander Gordoun*
Bishop of *Galloway* for a superintendent; nor admit him to that charge,
till they understood, that the Kirks of *Galloway* craved him to be their
superintendent, and till he subscribed the Book of discipline. Ye may
see then that by his old episcopal office he might exercise no jurisdiction:
further he is not stiled simple, *Bishop*, but as it were by a note of diminution,
who is called Bishop, to wit, by custome and vulgar speech
of the people, calling any man a Bishop, that possesseth the Bishops be-
nefice.

In the generall Assemblee convened the 25. of *December* at *Edinburgh*,
the Superintendent of *Fyfe* was delated, that he was some-
what slack in his visitations; that he stayed not at Kirks for ordering
necessarie affairs; that he was much given to worldly business; negligent
in preaching; rash in excommunicating; sharper in making acts for
payment of small tithes, then became him. It was laid to the charge
of the Superintendent of *Angus*, that there were many popish priests,
unqualified and of vitious life, admitted to be Readers of Kirks within
his diocess; That young men were admitted rashly to be Ministers and
exhorters, without that triall and examination, which is required in
the Book of discipline. That gentlemen of vitious life were chosen to
be Elders; that sundrie Ministers make no residence at their Kirks, vi-
sitate not the sick, come too late upon the Lords day, & depart incontinent
after sermon; that the youth is not instructed; that Ministers resort not
to the exercise of prophecyng, according to the order set down in the Book
of discipline.

Bishops and other Ministers, not having entered by the order appointed
in the Book of Discipline, are inhibited till farther triall.

Superintendents might not transport Ministers from one Kirk to ano-
ther, but with consent of the Synods.

It was ordained, that an uniforme order be kepted in the Ministracion
of the sacraments, according to the book of *Geneva*, that is, the book
of common order prefixed before the Psalmes, which was the order ob-
served in the *English Church* of *Geneva*.

1563.

M. A. Gordoun not
admitted
Superin-
tendent.A General
Assembley.

Master *Knox* went to *Drumfreis* to the admission of a Superintendent,
according to the direction of the last Assemblee. He finderh that Mr
Alexander Gordoun, commonly called Bishop of *Galloway*, had cor-
rupted the most part of the gentlemen, whereupon he delayed the acti-
on, and left Mr *Robert Pont* (who was put in lite with the said Mr *Alex-
ander*) with the Master of *Maxwell*, to the end his doctrine and con-
versation might be the better tried by those, who had not known him
before. So the Bishop was frustrat of his purpose at that time; how-
beit he was then most familiar with Mr *Knox* in his house, and at his
table.

The General Assembly, holden at *St Johnstoun* about the end of *June*,
gave a commission to some Ministers to plant Kirks, preach, visit Kirks,
schooles, colledges; to confer benefices; to procure the eradication of
all monuments of idolatrie; to suspend, deprive, transplant Mini-

sters,

sters, in like manner as did the Superintendents, and with the like assistance of reformed congregations, of learned men in the parts next adjacent, of Synods, of other associats, whom the General Assemblie now and then joined to them; or of Ministers meeting for the exercise of prophesying: for as yet Presbyteries were not constitute, nor could be for scarcity of Ministers. So that we may justly call them temporary Superintendents. So the countrey was watered by the preaching of the word, not only by Superintendents, but also by other Ministers, either joined with them, or appointed commissioners for Provinces, or for visitation. Here also observe, that the three converted Bishops, of *Galloway*, *Orkney* and *Cathness*, had no power to exercise their old episcopal authority; but behoved to receive a commission from the General Assemblie, and that to endure only at the pleasure of the Assemblie.

It was ordained, that if any person findeth himself wronged by any sentence given by the Ministers, Elders and Deacons of their Kirk, it shall be lawful to the partie so wronged, to appeal to the Superintendent and the Synodal convention, within ten dayes after: if the partie yet alledge himself wronged, it shall be lawful to appeal to the General Assemblie immediatly following, within ten dayes as before; and that the said Assemblie take cognition of the said appellation; whether it was well appealed or not; & thereafter pronounce sentence, from which it shall not be permitted to the said partie to appeal. Here observe, that appellations were to be directed, not to the Superintendents alone, but to the Superintendent and Synodal Assemblie. Next, that appellation was allowed from the Superintendent and the Synod to the General Assemblie, which was holden twice in the year, and sometime oftner, for the space of twenty two years. But appellation now from the Bishop and his diocesan synod were to nouse, seing we have not ordinarie General Assemblies, whereunto we may have our recourse. The synods likewise then differed from the new diocesan synods, as shall be cleared in the own place.

Commission was given to some Ministers to judge upon the Superintendent of *Fife* his complaint upon the Minister of *Strameglo*.

In the Assemblie convened at *Edinburgh* upon the twenty fifth of *December* (for *Yule* day was not then observed) the Superintendent of *Fyfe* was complained upon by the Ministers of *Fyfe*, for not preaching at his visitation, but calling the Ministers of the Kirk to occupy the place. The Superintendent of *Angus* and *Mearnes*; because no discipline was exercised in many of the Kirks of *Angus* and *Mearnes*; that there was no convention of Elders and Deacons at Kirks, for censuring of Offenders; that he preached not at his visitations. The Superintendant of the *west* was charged with negligence, in procuring the extirpation of the monuments of idolatry.

In the fourth Session of this Assemblie, it was thought needful for further confirmation of the Book of Discipline, that the *Earle Marshal*, *Lord Ruthwen*, *Lord Secretarie*, the *Commendator of Kilkwinning*, the *Bishop of Orkney*, the *Clerk of Register*, the *Justice Clerk*, *Mr Henrie Balmaves*, *David Forrest* and *Mr George Buchanan*, or any three or four of them, revise the said Book, consider diligently the contents thereof, set down their judgment in write, and report the same to the next Assemblie; or if a parliament be holden in the mean time, to the Lords of the Articles; and that they begin immediatly after

A General
Assemblie.

Commis-
sion for the
revision of
the Book
of Disci-
pline.

1564.

the dissolving of this Assemblie, or at least on the sixth of *Januar* next to come, and thereafter continue till the said Book be thoroughly revised. But I finde no report made to the next Assemblie.

1564.

The conference between Mr Knox and Secretary Lethingtoun.

The first day of the Assemblie holden in *June* at *Edinburgh*, the Courteours, and Lords depending on the court, came not to the Assemblie; but the day following to avoid suspicion. they came, yet drew themselves apart a little before. *Viz.* The Duke, the Earles of *Argile*, *Murray*, *Mortoun*, *Glencarne*, *Marshall*, *Roths*, the Master of *Maxwell*, the Secretar, the Justice Clerk, the Clerk of Register, the Comptroller, and went to the inner Councel house. They directed *Mr George Hay*, for the Superintendents and some learned Ministers to confer with them. It was answered, they were Conveened to deliberat upon the common affairs of the Kirk, and therefore could not spare such men, whose judgments were so necessarie: further to send a certain number might do more evil then good; for it was to be feared, that all men would not stand content with the Conclusions, where the conference and reasons were heard but of a few. There had been paines taken to draw some Ministers to the Faction of the Courteours, and to sustain their opinions: when they could not prevail this way, they purged themselves of any meaning to separat themselves from the societie of their brethren: But because they had certain heads to propone, they thought it more expedient, for avoiding of confusion, to have conference with a few, then to propone the same in publick. The Assemblie still replied, they would admit no secret conference on those heads, which should be concluded by voices in publick. The Lords promised nothing should be concluded, no voices asked, till the propositions and reasons were heard, and considered of the whole bodie. Upon that condition, the Superintendents of *Angus*, *Fyfe*, *Lothian*, *Mr John Row*, *Mr John Craige*, *William Christison*, *Mr David Lindsey* and *Mr George Hay*, were directed to them; but with expresse charge to conclude nothing, without knowledge and advice of the Assemblie. *Mr Knox* attended upon the scribe of the Assemblie, and therefore was appointed to stay with the Brethren; but the Lords would have him sent for; because their principal complaint concerned him. *Lethingtoun* desired the Ministers, specially *Mr Knox*, to be circumspect in two things. First, That Ministers disagree not one from another, in the forme of prayer for her Majestie; or in the head concerning obedience to the Authority. *Mr Knox* defended his owne forme of Prayer, which he used in publick, which was this, O Lord, if it be thy good pleasure, purge the heart of the Queens Majestie from the venom of idolatrie, and deliver her from the bondage and thraldome of Satan, wherein she has been brought up, and yet remaineth for lack of true doctrine; and let her see, by the illumination of the holy Spirit, that there is no means to please thee, but by Jesus Christ thine only Sonne; and that Jesus Christ cannot be found, but in thy holy word, nor yet received, but as it prescribeth; which is to renounce our own wits & preconceived opinions, and worship thee, as thou commandeth; that so doing, she may avoid that eternal damnation, which abideth all that are obstinate and disobedient to the end; and that this poor Realme may also escape that plague and vengeance, which inevitable followeth idolatrie, maintained against thy manifest word, and the open light thereof. This was the summe of the Prayer he used in publick.

He defended also, that the servants of God might tax the vices of *Kings* and *Queens*, as well as of other offenders: And that because their sins are more noisome to the Commonwealth, then the sins of inferior persons. Well said *Lethingtoun*, I am better provided in the last head, and had his Papers ready for the purpose. Mr *Knox* sustained, that the Person placed in authority may be resisted, and Gods Ordinance not transgressed: Gods Ordinance is for the preservation of mankind, by the punishment of sin and maintainance of vertue, and is in it self holy, just, constant, stable and perpetual; but men clothed with authoritie are commonly profane, unjust, mutable, subject to corruption. The people resisted *Saul*, when he had sworne by the living God, that *Jonathan* should die, and made him no better then men-sworne, and delivered *Jonathan*. By powers in that place of the Apostle *Rom. 13.* is to be understood, not the unjust commandments of men, but the lawful power, wherewith God has armed his magistrats, as his Lieutenants, to punish sin and maintaine vertue. If any man should interprise to take a malefactor, deserving death, out of the hands of a lawful judge, he resisteth Gods Ordinance, & procureth to himself vengeance, because he stayeth that sword to strike: but so it is not, if men in the fear of God, oppose themselves to the furie and blinde rage of Princes; for so they resist not God but the Devil, who abuseth the sword and authoritie of God. *Jeremie* forewarned, that incase he should be condemned and so put to death, that the King, the Councel, and the whole Citie of *Jerusalem*, should be guiltie of his blood: Because he had committed no crime worthie of death; which could not be, unless they might lawfully protect him. What harme shall the Commonwealth receive, if the corrupt affections of ignorant and godless Rulers be moderated, and so bridled by the wisdom and discretion of godly subjects, that they do no wrong nor violence to any man? Our question, saith *Lethingtoun*, is, whether we may or ought to suppress the *Queens* masse? and whether her idolatrie should be laid to our charge? Not only ought idolatrie to be suppressed, said Mr *Knox*, but idolaters ought to die the death. But who shall be judge, or put it in execution, said *Lethingtoun*. The people, said Mr *Knox*; for the command was given to Israel, that if idolatrie be committed in any city, inquisition shall be taken; and if it be found so, the whole bodie of the people shall arise, & destroy that city. I find no priviledge granted by God to Kings, more then to the people, to offend Gods majesty. *Lethingtoun* called for his papers, and began to read with great gravity, the judgment of *Luther*, *Melancton*, *Bucer*, *Musculus* and *Calvine*. Your first two witnesses, said Mr *Knox*, speak against *Anabaptists*, who deny that Christians should be subject to Magistrats; the rest speak of Christians subject to tyrannes and infidels, so dispersed, that they have no power, but only to sob to God for deliverance: but I speak of a people assembled together in one body of a Commonwealth, to whom God hath given sufficient power, not only to resist, but also to suppress all kind of open idolatrie; such a people is bound to keep their land clean and impolluted. God required one thing of *Abraham* and his seed, when they were strangers in *Egypt* and *Canaan*, and another thing when they possessed the Land of *Canaan*. Seing God hath given the victorie to his truth in the hands of his servants, if ye suffer the land again to be defiled, ye and your Princeis shall drink of the Cup of Gods indignation; She for her

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obstinat abiding in her manifest idolatrie, in the great light of the Evangel; and ye for your permission, and maintaining of her in the same. Where finde you, said *Lethingtoun*, that any of the Prophets or Apostles taught, that the people should be plagued for the iniquity of their Prince; or that subjects might suppress the idolatrie of their Rulers, and punish them for the same; I find, said *Mr Knox*, in the Ecclesiastical Historie, that the faithful assisted their Preachers, even against their Rulers and Magistrats; and suppressed idolatrie, whensoever God gave them force, asking no leave of the Superiour, nor of his deputies. In the Apostles times the people behoved first to be informed, and see the light, before they put to their hands to suppress idolatrie. *Elizeus* sent one of the children of the prophets to anoint *Jehu*, who gave him commandment to destroy the house of his Master *Ahab*, for idolatrie committed by him, and for innocent blood, which *Jezabel* his wicked wife had shed; which he put in execution; and for this God promised to him the stability of his kingdome to the fourth generation: he was a meer subject and no king, when the servant of the prophet came to him. This fact had the ground of Gods ordinary judgment and command, which commandeth that idolaters be put to death: where the exemple agreeth with the law, and is as it were the execution of Gods judgment expressed in the same, it standeth to us in place of a commandment: for as God is in his nature constant and immutable, so he cannot damne the ages subsequent for that, which he approved before in his servants. The whole people conspired against *Amaziah* king of *Judah*, pursued him to *Lachish*, and killed him, and anointed *Uzziah* king in stead of his father. The people had not altogether forgotten the league and covenant, which was made between their kings and them, at the inauguration of *Joash* his father, to wit, that the people should be the people of the Lord, and that they should be his faithful subjects. From which covenant, when first the Father, & then the Son declined, they were both punished to death, *Joash* by his own servants, *Amaziah* by the whole people; and God blessed the people with victorie, peace and prosperity the space of fiftie two years after. The Priests compelled *Uzziah* to depart out of the Sanctuarie; yea he was removed from all publick society and administration of the kingdome, howsoon the leprosie was espied in his forehead, and compelled to dwell in a house apart, even as the law commanded, and got no further prerogative in that case, then any other of the people should have had. Well said *Lethingtoun*, you will not finde many learned men of your opinion. I lack not, said *Mr Knox*, the counsel of Gods Servants in that head, and with that he presented to Secrerar *Lethingtoun*, the Apologie of *Mackdeburge*, approved by the subscription of sundrie Ministers. As for the other part, whether the *Queens* idolatrie should be laid to their charge, he proved it before by the exemple of the people of *Judah* all guilty of the sin of *Manasses*, one part by the act and deed following his exemple, another by suffering and permission: even as, said he, whole *Scotland* is this day guiltie of the *Queens* idolatrie, and ye Lords, specially above all others: for it is not probable, that all these of *Jerusalem* turned so soon to external idolatrie, considering the notable reformation made lately before, in the dayes of *Hezekiah*. In end, *Lethingtoun* proponed to the Lords to have the matter voted, that an order may be put to preachers, that they may be consonant in doctrine. May we, think ye, take the *Queens* masse

from

from her, said *Lethingtoun*? While as some, that were appointed to be leaders of the rest, began to give the votes, *Mr Knox* said, my Lords, I suppose, that your Lordships will not do contrair to your promise made to the whole Assembly, which was, that nothing should be voted in secret, till first all matters be debated in publick, and that then the votes of the Assemblie shall put an end to the controversie. I have rather declared my conscience in simple manner, then insisted upon the force of any argument. Therefore I, for my part, utterly disassent from all voting, till the whole Assemblie have heard the question. Some prepared for the purpose said, may not the Lords vote, and then shew to the Assemblie whatsoever is done. That appeareth not only a backward order, said *Mr Knox*, but also a tyrannicall usurpation over the Assemblie: as for me, as I have reasoned, I vote, yet protesting as before, that I disassent from all voting, till the whole Assemblie understand, what the question and reasons are. Well, said *Lethingtoun*, that cannot be done now, for the time is spent. Therefore, my Lord Chancellour, ask the votes at one of the Ministers, and one of us by course. So *Mr John Douglas*, Rector of the university of *St Andrews*, was first demanded. He answered, I think, that if the Queen oppone her self to our Religion, that in that case the Nobility & States of the Realme professing the same, may justly oppone themselves to her: As concerning her masse, I know, it is idolatrie, yet I am not resolved, whether we may take it from her by violence or not. The Superintendent of *Fyfe* & others of the Nobility answered to the same effect. Others voted freely, that as the masse is abominable idolatrie, so it ought to be suppressed; and that in so doing, men did no more wrong the Queens Majestie, then those that should by force take from her a poisoned cup, when she were going to drink it. At last, *Mr John Craig* fellow Minister with *Mr Knox*; was required to give his vote. He adhered to his brothers protestation, to wit, that their voting preiudge not the General Assemblie; and answered, I was in the university of *Bononia*, in the year of our Lord 1553. where in the place of the Blackfriars I heard this conclusion following, set down in time of their general Assemblie, reasoned, and determined, *Principes omnes, tam supremi quam inferiores, possunt & debent reformari, vel deponi per eos, per quos eriguntur, confirmantur vel admittuntur ad officium, quoties a fide praestita subditis per juramentum deficiunt, quoniam relatio iuramenti subditorum & principum mutua est, & utrinque aequo jure servanda & reformanda, juxta legem & conditionem iuramenti ab utraque parte facti.* The sustainer was a learned man *Thomas de Finola* Rector of the university, a famous man in that countrey. *Vincentius de Placentia* affirmed the assertion to be most true and certain, agreeable both with the Law of God and man. The occasion of this disputation was a certain disorder and tyrannie, attempted by the Popes Governours, who began to make innovations in the countrey, against the lawes formerly established, alledging that they were not tied to such lawes, by reason, they were constitute, not by the people, but by the Pope, who was their King. The learned amongst the people opposed themselves, till in end the Pope was faine to take up the controversie, and promised, he should not only keep the liberty of the people; but also that he should neither abrogate any law or statute, nor make any new law without their own consent. Therefore my judgment is, that princes are not only bound to keep lawes and promises to their subjects, but also that if they

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fail, they may be justly deposed; for the band between the Prince and the people is reciprocal. Then start up a flatterer of the court, & said, you know not what you say; ye tell us what was done in *Bononia*, we are in a Kingdome, they were in a Commonwealth. My Lord, said he, every Kingdome is a Commonwealth, or at least should be, howbeit not every Commonwealth is a kingdome: therefore I think, that in a kingdome no less diligence ought to be used, that lawes be not violated, then in a Commonwealth; because the tyrannie of Princes, who rule in a Kingdome, is more hurtful to the subjects, then the misgovernment of these, who from year to year are changed in free Commonwealths. To assure your Lordships yet further, that heed was disputed to the uttermost, in end it was concluded and interpreted, that they spake not of such things, as were done in diverse kingdomes & nations by tyrannie of Princes, and negligence of the people: but we conclude, say they, what ought to be done in all kingdomes and commonwealths, according to the law of God and just lawes of men: And if through the negligence of people, or by the tyrannie of princes, contrary lawes have been made, yet may that same people, or their posterity, justly creave all things to be reformed according to the original institution of Kingdomes and Commonwealths: and such as will not do so, deserve to eat the fruit of their owne foolishness: Mr *James Makgill* then clerk of Register, perceiving the plainness & libertie of Mr *Craig*, said, I remember the question was debated before in my house, and because we were not all of one minde, it was concluded, that Mr *Knox* should write in all our names to Mr *Calvine*, to require his judgment. Nay, said Mr *Knox*, my Lord Secretar would not consent, alledging that the answer would depend much upon the narrative; and therefore promised, that he should write. *Lethingtoun* confessed, that he had promised, and that Mr *Knox* had required him often so to do; but that when he considered the weight of the matter, he began to finde moe doubts, then he did before, and among the rest this; *how durst I being a subject, and the Queens Majesties Secretarie, take upon me to seek resolution of controversies, depending betwixt her Highness & her Subjects, without her own knowledge and consent?* Well, said Mr *Knox*, let worldly men praise worldly wisdom as much as they please, I am assured, that by such shifts, idolatrie is maintained, Christ his truth is betrayed, and God one day will be avenged. At this and the like sharpness some were offended: the voting ceased, and every faction spake as affection moved them. In the end Mr *Knox* was againe desired to write to Mr *Calvine*, and other learned men in other Kirks, to know their judgment. He refused with this reason, I am not only fully resolved in conscience my self, but also I have had the judgments, in this & all other things, which I have maintained within this Realme, of the most godly and learned, that be known to be in *Europe*. I came not to this Realme without their resolution, and for my better assurance, I have the hand write of many. If I should move the same question againe, what should I do, but either shew my ignorance, or forgetfulness? therefore pardon me, that I write not, But I will shew you a surer way, write and complaine upon me, that I have taught and maintained constantly, such doctrine as offendeth you, So shall you know their minds plainly, whether they and I agree in judgment or not. Sundrie said, the offer was reasonable; but no man was found to take it in hand: so that meeting brake up. After this time the Ministers, who were called precise, were

holden

holden of the courteours as monsters. This is the summe of the conference at that meeting, which I have extracted out of the fourth book of *Mr Knox* his historie. All this time the *Earle of Murray* was so strange to *Mr Knox*, that neither by word, nor by write was their any communication betwixt them. The occasion was the *Earles* comporting with, and in a manner protecting of, the *Queens* masse, for which he was well chastised the year following, and put to trouble by the *Queen*, as *Mr Knox* foretold should befall him.

The *Earles*, of *Argile*, *Glencarne*, *Murray*, & *Secretarie Leithingtown* were sent by the *Queen* to observe, what things were treated in this Assemblie.

In the General Assemblie holden at *Edinburgh*, and beginning the twenty fifth day of *December*, it was ordained, that every Minister, Exhorter and Reader shall have one of the *Psalme Books* lately printed in *Edinburgh*, and use the order contained therein, in prayers, marriage and ministratation of the sacraments. This must be understood *respective*: for none but Ministers, by the Book of discipline, might minister the Sacraments; Yet here ye may see, that the order of Ministratation of the Sacraments, set down before the *Psalmes* in meeter in the Book of common order, is appointed to be observed.

Some brethren motioned, that it might be demanded of the Commissioner of *Galloway* and *Orkney*, if they thought, that they might with a safe conscience discharge both the Office of a Superintendent, and of a Lord in the Session? The answer to it, and other questions, was referred to another diet. The question was renewed at another Assemblie. Here ye see Superintendent and Commissioner are taken for one thing; and the Bishops of *Galloway* and *Orkney* are called Commissioners of *Galloway* and *Orkney*.

In the General Assemblie convened at *Edinburgh* in *June*, the Superintendents of *Angus*, and the *West*, *Christopher Goodman* and *Mr John Row* were appointed to forme some articles to be presented to the *Queens* Majestie. In these articles they crave, that the masse with all poperie and idolatrie, and jurisdiction of the pope, be universallie suppressed, not only for the subjects part, but also for the *Queens* own. That no Bishoprick, Abbacie, Priorie or Deanrie, Provostrie or any other benefice, having many Kirks annexed to them, be disposed whollie in time to come to any one; but at least the Kirks thereof be severally disposed to several persons, that every one having charge may serve at his owne Kirk, according to his vocation.

Upon the twenty seventh day of *July*, the marriage of *Henrie Lord Darley*, and *Marie Queen of Scots*, was solemnized, & *Lord Darley* proclaimed King the day following, without consent of the Estates. There were many malecontents, *Duke Hammiltoun*, the *Earles*, of *Argile*, *Murray*, *Glencarne*, *Rothess*, *Lord Ochilttrie* & sundrie others. These were pursued at the about. They proclaimed a declaration of their grievances at *Drumfreise* the nineteenth of *September*. In this declaration they reported, that the *Queen*, after arrival, craved one quiet masse to her own household only; and how they hoped, that by process of time she might be converted; and therefore passed it over with silence, but to the great grief of their consciences: for from thence it proceeded, that all that resorted to her chappel royall were unpunished: from saying, it proceeded

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A General Assembly.

A General Assembly.

1565.

A General Assembly.

The Queen & Lord Darley married.

1565.

A General
Assemblee.

Acts.

Decision
of questi-
ons.

to singing, and from her Chappel, to all the Corners of the Countrey.

The General Assemblee convened at *Edinburgh* the twenty fifth of *December*.

The Superintendent may not suspend a Minister, Exhorter or Reader, without the Assistance of the nearest discreet Ministers, and that only to the next Assemblee, at which he is to be restored, or farther censured, as he deserveth.

In the decision of questions, the Superintendent was tied to the advice of the nearest reformed Kirk, in decerning the excommunication of stubborn offenders; in case there be not a reformed Kirk, where the offender dwelleth.

At this Assemblee *Mr Knox* and *Mr John Craig*, Ministers of *Edinburgh*, were appointed to set down the forme of exercise, which was to be used at the publick fast, and to cause print it; which they did, and the Treatise is extant, added to the Book of common order before the Psalmes. Among the causes of the fast at this time, this was reckoned for one, the bearing with manifest idolatrie, and suffering the Realme, that God had once purged, to be polluted againe with that abomination: yea some, whom God had sometime made instruments to suppress that impietie, had been chief men to conduct and convey that idol through all the quarters of the Realme; yea to the houses of those, who sometimes detested the masse, as the Divil and his service.

1566.

Mr Knox
his words
in the Pre-
face to the
fourth
Book of
his History

Master Knox, in his preface to the fourth Book of his Historie, which he penned this year in May, hath these words. *As touching the doctrine taught by our Ministers, and touching the administration of the Sacraments, used in our Kirks, we are bold to affirme, that there is no Realme this day upon the face of the earth, that hath them in greater puritie: yea, we must speak the truth, whomsoever we offend, there is no Realme, that hath them in the like puritie: for all others, how sincere soever the doctrine be, that by some is taught, retaine in their Churches and the Ministrie thereof, some footsteps of Antichrist and dregs of Papistrie. But we, praise to God alone, have nothing within our Churches, that ever flowed from that man of sinne: And this we acknowledge to be the strength given to us of God, that we esteemed not our selves wise in our own eyes, but understanding our own wisdom to be but meer foolishness before our God, laid it aside, and followed only that which we found approved by himself. In this same Preface, he imputeth the present dispersion and banishment of good men to the tollerating of the *Queens* masse and idolatrie, and preferring the pleasure of flesh and blood to the truth, to justice, to religion.*

In the Assemblee holden at *Edinburgh*, and beginning the twenty fifth of *December*, it was ordained, that humble supplication should be made to the Lords of secret Councel, concerning the commision and jurisdiction supponed to be granted to the Bishop of *St Andrews*, *Mr John Hammiltoun*, to the effect, their honours may stay the same, in respect that the causes, for the most part, judged by his authoritie, pertained to the true Kirk. In the supplication we have these words, *that conjured enemy of Jesus Christ, and cruel murderer of our dear brethren, who is falsely stiled Archbishop of St Andrews, is reponed and restored by signatour past, to his former tyrannie; for not only are his ancient jurisdictions, as they are termed, of the whole Bishop-*

rick

prick of *St Andrews*, granted to him; but also the execution of judgment, confirmation of testaments, and donation of benefices, as more amplie in his signatour is expressed. If this be not to cure the head of that venomous beast, which once within this Realme, by the potent hand of God, was so broken down and banished, that by tyrannie it could not hurt the faithful, judge ye. His ancient jurisdictions were, that he with certain colleagues collaterals might have condemned for heresie, what pleased him.

The Assemblie ordained a letter to be directed to the Bishops of *England*, to intreat them to deal gently with the Preachers, their Brethren, about the habites, the Surplice & other apparel. Mr *Knox* was desired to forme the letter. In this letter he hath these words. *If surplice, cornet cap & typpet have been the badges of Idolaters, in the very act of Idolatrie, what hath the preacher of Christian libertie, and open rebuker of all superstition, to do with the dregs of that Romish beast? Tea, what is he that ought not to fear to take, either in his hand or forehead, the print and mark of that odious beast. And againe, if the commandment of Authoritie urge the consciences of you and your brethren, with farther then they can bear; we unfainedly crave of you, that ye remember, that ye are called, the light of the world, and the salt of the earth. All that are in civil authoritie have not the light of God shining before their eyes, in their statutes and commandments; but their affections favour oftentimes too much of the earth and of worldly wisdom. And therefore we think, that ye should boldly oppone your selves to all power, that will or dare extol the self against God, and against all such as do burden the consciences of the faithful, further then God hath burdened them by his own word.* This letter was subscribed by Mr *John Craig*, *John Rorv*, *David Lindsey*, *John Areskeen* Superintendent of *Angus*, Mr *John Winrame* Superintendent of *Fyfe*, Mr *John Spotswoode* Superintendent of *Lothian*, Mr *Robert Pont*, Mr *James Melvine*, *William Christijone*, *Nicol Spittal*. The letter is extant in the Register, and in print at the end of that Book, which is intituled, *A discourse of the troubles begun at Frankfurd*. At the same time, upon the complaint of the English Preachers, *Beza* sent a letter to *Grindal* Bishop of *London*, which is the eight in order among his Epistles, wherein he findeth fault with the apparel enjoined to Ministers, kneeling at the Communion, & all symbolical and significant Ceremonies. But obtaining no favour, he wrote the year following another letter, which is the twelfth, wherein he counselleth his Brethren, that they should give place to manifest violence, and live as privat men, rather then give their consent to the order of ordaining their Ministers, to use the cap and surplice, and to the manner of excommunication, that was used in the Kirk of *England*.

Some were appointed by this Assemblie, to revise the answer made by Mr *William Ramsay*, one of the Masters of *St Salvators* in *St Andrews*, to *Henrie Bullinger*, touching the apparel of Preachers in *England*.

The Confession, called commonly the later Confession of *Helvetia*, was approved by this Assemblie; but with exception against some holy dayes, the very same, which K. *James* urged thereafter: And they ordained the interpretation or translation, made by Mr *Robert Pont*, to be printed, together with the epistles, sent by the Assemblie, approving the same; providing a note be put in the margine of the said Confession,

Their Letter to the Bishops of *England*.

Bullinger touching apparel confuted.

The confession of *Helvetia* approved.

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where mention is made of some holy dayes: This confession, called commonly the later confession of *Helvetia*, was approved also by the Kirks of *Geneve*, *Savoy*, *Poll*, *Hungarie*; But not by the Kirk of *England*: and no wonder; for many corruptions are maintained in that Kirk, which are condemned in it. The letter written from some of our Ministers to the Ministers of *Geneve* in latine, doth mention, that the Ministrie here wondered how they could pass by that part, which concerned holy dayes, when they approved that Confession.

1567.

A General
Assembly
before the
Kings coronation.

In the General Assemblie holden at *Edinburgh* about the end of *June*, it was ordained, that some Ministers should be sent to some Earles, Lords, Barons, to require their presence at the next Assemblie, to settle and establish some course for the continuance of Religion, & utter removing of all Superstition, Idolatrie and monuments thereof. In the missive we have these words, *having now of long time travelled, both in publick and privat, with all Estates, craving continually of them, and of your honour in special, that the course of the Evangel now once, by the liberal mercy of God, restored to this Realme, might continue to your, and your posterities comfort, and that for the furtherance and maintaining thereof, a perfect policie and full liberty may be granted to this reformed Kirk within Scotland, the Ministrie and Poor provided for sufficiently, as God and all other policie and civil lawes ordaine and require; and that all Superstition, Idolatrie and monuments thereof may be utterly removed.* At the next Assemblie, the Noblemen, Barons and others convened, agreed and condescended, that the act already made concerning the thirds of the benefices, specially for sustentation of the Ministrie, may be duely put to execution, according to the Book of appointment of Ministers stipends, as well for them that are to be placed, as for those that are already placed, and that the Ministrie be first duely answered and sufficiently sustained with the same, to the relief of their present necessity, till a perfect order may be taken and established, concerning the full distribution of the patrimonie of the Kirk, according to Gods word. *Item*, how soon a lawfull Parliament may be had, or that the occasion may otherwayes well serve, they shall labour and presse to the uttermost, that the true Kirk within this Realme, professing the true Religion, shall be put in full liberty of the patrimonie of the Kirk. They condescended, that all Kings, Princes and Magistrats, which shall happen to reigne hereafter, & to bear rule within this Realme, shall at their first entrie, before they be crowned and inaugurated, make their faithful promise to the true Kirk, that they shall maintaine and defend, and by all lawful means set forward the true Religion, presently professed and established within this Realme; even as they are obliged and astricted by the law of God; as they crave obedience of their Subjects, so the band and contract shall be mutual in all time coming between the Prince and God, and between the Prince & the faithful people, according to the word of God. *Item*, they condescended to conven themselves together with their power and forces, to root out and subvert all monuments of Idolatrie, & specially the Masse, without exception of place or person, and to set up and establish the true Religion throughout the whole Realme. Many Earles, Lords, Barons and gentlemen subscribed these Articles: And the Commissioners appointed in the last Assemblie, were ordained to require all and sundrie Earles, Lords, Barons and other faithful brethren, who excused themselves for not giving their personal presence to this Assemblie, to subscribe the saids

Articles according to their promises made by word or by write; to the effect their subscriptions may be set down in register with the rest. These articles were subscribed the twenty fifth of *July*; and the day following the Lords went to *Stirling*, to the coronation of *King James*, who was crowned upon the twenty ninth day of *July*. The Earle of *Mortoun* & the Lord *Horne* took the oath for him, that he should maintaine and defend the Religion, then professed in *Scotland*, and pursue all such as should oppose the same.

King James
crowned.

In the Parliament holden at *Edinburgh* the fifteenth of *December*, the nomination and constituting *James Earle of Murray* Regent; during the Kings minority, was ratified and confirmed. The Confession of faith was againe ratified. Such as opposed the Confession of faith, or refused to participat of the Sacraments, as they were then ministred, were declared to be no members of the Kirk within this Realme. It was ordained, that all Kings, Princes & Magistrats shall at the time of their coronation, or receipt of their princely Authority, take their great oath in the presence of God, that they shall maintaine the true Religion of Christ; the preaching of his holy Word, and due and right ministration of the Sacraments then received; shall abolish and withstand all false Religion, contrary to the same; shall keep inviolate the Rights, Kents and Privileges of the crowne; shall root out all hereticks & enemies to the true worship of God, that shall be convicted of the foresaid crimes &c. *Item*, that the third of the whole benefices in time coming shall be payed, first to the Ministers, notwithstanding any discharge given by the *Queen* to whatsoever Person or Persons, of the thirds, or any part thereof; till the Kirk come to full possession of her own proper patrimonie, which is the tithes: providing the collectors for Ministers make yearly account in the exchequer of their intremission, that the surplus may be applied to the Kings use. *Item*, that laick patrons present qualified persons to the Superintendent or Commissioner of the Kirk, and if the Superintendent or Commissioner refuse to admit the person presented, it shall be lawful to the patron to appeal to the Superintendent and Ministers of that Province, where the benefice lyeth; if they refuse, it shall be leave for him to appeal to the General Assemblie, where the cause being decided, it shall take an end, as they declare and decerne. Here ye see first, that the meeting of Ministers, in Provincial and General Assemblies, is acknowledged and allowed by the Estates in Parliament. Next, that the patron might appeal from the Superintendent to the Superintendent and Ministers of the Province, that is, the Synod. Thirdly, that the patron might not appeal from the General Assemblie.

James
Earle of
Murray
constitute
Regent.

It was statute and ordained, that no other jurisdiction ecclesiasticall be acknowledged within this Realme, then that which is and shall be within this same Kirk established presently, or which flow therefrom, concerning preaching of the word, correction of manners, administration of the sacraments. Commission was given at this Parliament to *Sir James Balfour* of *Pittindreich* Knight, *Prior* of *Pittinweem*, *Mark* *Commendator* of *Newbottle*, *John* *Prior* of *Coldinghame*, Lord privie seal, *Mr James Makgil* of *Rankeillor* neather clerk of Register, *William Maitlan* younger of *Lethingtoun* secretarie, *Sir John Bellenden* justice clerk, *John Areskeen* of *Dun*, *Mr John Spotswood* Superintendent of *Lothian*, *John Knox*, & *Mr John Craig*; to search more specially, & consider what other special points or causes should appertain to the

1567.

A General
Assemblee.Trial of
Bishops &
Superin-
tendents.Mr Willock
invited to
returne.

1568.

17. Afl.

A General
Assemblee.Trial of
Superin-
tendents.
&c.The trea-
tise of ex-
communi-
cation re-
vived.

jurisdiction, priviledge and authority of this Kirk, and report their judgment to the next Parliament. So ye see what points they acknowledged clearly to appertain to the jurisdiction of the Kirk, and how they gave Commission to search more specially, and to consider what other special points and causes should appertain to the jurisdiction, priviledge and authority of the said Kirk. These acts are found among the acts printed by *Robert Leckprevick*. Here ye may see, what was meant by the Commission concerning jurisdiction, given in two Assemblies preceeding.

In the General Assemblee convened at *Edinburgh* the twenty fifth day of *December*, *Adam Bishop* of *Orknay* was deprived of all function in the ministrie, for solemnizing the marriage between the *Queen* and the *Earle Bothwell*, contrare to an act made against the marriage of the divorced adulterer, till the Assemblee were satisfied for the slander. He was delated for occupying the room of a judge in the Session. *Mr Alexander Gordoun* commissioner for *Galloway*, was delated for not visiting Kirk within his charge, for haunting the Court too much, for procuring to be one of the Senatours of the Colledge of justice and Privie Council, for resigning *Inch-Chafrey* in favours of a young childe, & setting diverse lands in feu, in prejudice of the Kirk.

Commission was given to some Ministers and *Mr George Buchanan* to try the complaints, that were to be made by the Ministers and Elders of the Kirks within his charge, and to report to the next Assemblee.

The Assemblee in a letter to Master *Willock*, who was then in *England*, used many reasons to move him to returne, to wit, a Godly Magistrat (meaning the good Regent the *Earle of Murray*) constitute, Religion established and flourishing throughout all the Realme, sufficient provision appointed for Ministers &c. In end, they conclude, now shall you see the copestone of that work, whereof you laid the foundation.

In the General Assemblee holden at *Edinburgh* in the beginning of *Julie*, the Superintendent of *Fife* was accused of negligence in his visitations, & that he was careless in punishing adulterers. *Mr Alexander Gordoun* commissioner of *Galloway* is ordained to come to *Edinburgh*, at the time of the next Parliament, to shew his diligence in the charge committed to him in that Province; and to answer, whether he will wait on Court and Council, or upon the preaching of the word and the planting of Kirks. The Superintendents of *Angus*, *Fife* and *Lothian* were appointed to report their diligence and answers to the next Assemblee; and in the mean time, *Mr John Row* was appointed to visite *Galloway*. The Bishop of *Orknay* is restored againe to the ministrie; but ordained, that at some convenient time upon the Lords day, at the end of the sermon, he confesse his offence in the Kirk of *Halyrudhouse*, for solemnizing the marriage between the *Queen* and the *Earle Bothwell*.

Masters, *John Willock*, *John Craig*, *John Row*, *Robert Pont*, *James Greg*, *William Christifone* and *David Lindsey* were appointed to revise the forme and order to be used in Excommunication, which was penned by *Mr Knox*, at the desire of the Assembly; and to report their judgments: which they did, and the Assembly ordained it to be printed. The treatise is extant before the *Palmes* in meeter, where the Rea-

der shall finde often mention made of the Ministrie, Session and Kirks but of the Superintendents only, where there is no reformed Kirk. And where there is mention made of Superintendents, there is mention also made of assisters joined with them. Read that Treatise, and ye shall easily discern between the grave proceeding used in our Kirk, and the light and disordered of Bishops and officials in their courts.

In the second session, it was thought meet for eschewing of confusion, that this order be followed, in chusing of Commissioners with power to vote in the General Assemblie, that none have place nor power to vote, except Superintendents, Commissioners appointed for visiting Kirks, Ministers, Commissioners of Brughes and Shires, together with the Commissioners of Universities. Ministers & Commissioners of Shires shall be chosen at the Synodal convention of diocies, with consent of the rest of the Ministers & Gentlemen, that shall convene at the said Synodal convention. Commissioners of Brughes shall be appointed by the Council & Kirks of their own townes. None shall be admitted without sufficient commission in write: And lest this should turne to a perpetual election of a few and certain persons, it is concluded, that Ministers and other Commissioners be changed from Assemblie to Assemblie. Afterward when Presbyteries were erected, Ministers were directed in commission from them. In the year 1597. another order was set down for choos- ing of Commissioners, which standeth to this day unrepealed.

It was ordained, that Superintendents command Readers to abstaine from the administration of the sacraments, under the pain to be accused as abusers, and criminal.

In the General Assemblie convened at *Edinburgh* in the beginning of *July*, *Mr John Creswel* Superintendent of *Argile* was rebuked, for accepting the Bishoprick of the *Isles*; & not making the Assemblie fore- seen, & for rideing and assisting of the Parliament holden by the *Queen*, after the murder of the King.

The decret and sentence given by the Regents grace & his Council the last of *June*, and by the Superintendent of *Angus* and *Mearnes*, com- missioner at this time for the Shirefdome of *Aberdeen* and *Bamfe*, the third of *July* against the Principle and some of the Regents of *Aberdeen*, were read and approved. The Regent required their subscription to these articles following. We, whose names are underwritten, do ratifie & approve from our very hearts, the confession of faith, together with all other acts concerning our Religion, given forth in the Parliaments, hol- den at *Edinburgh* the twenty fourth day of *August* 1560. and the fif- tenth of *December* 1567. And joine ourselves as members to the true Kie of Christ, whose visible face is described in the said acts, and shall in time coming be participant of the sacraments, now most faithfully & publicly ministred, & submit us to the Jurisdiction & Discipline there- of. The Superintendent as Commissioner from the Assembly, together with the Ministers & Commissioners within the Shirefdomes of *Aberdeen* & *Bamfe*, deprived them; & not the Superintendent by himself alone, as may be seen in the Register.

In the General Assemblie, which was holden at *Edinburgh* the first of *March*, *Mr Knox*, *Mr John Craig*, *Mr John Row*, *William Christison*, were appointed to consult upon the order of proceeding, in matters to be treated in the Assemblie: which they did; and it was ap- pointed by the Assemblie, as followeth. *First*, that the Moderator of

1568.

Order for
constitut-
ing the
Assemblie.

1569.

A General
Assemblie.
Trial of
Superin-
tendents;

1570.

29. Ass.

A General
Assemblie,
Acts.

1570.

the last Assemblie should after prayer have an exhortation in the Assemblie next following, which being ended, the Assembly shall proceed to the choosing of a new Moderator, and so forth from Assemblie to Assemblie. *Next*, shall follow the triall of Superintendents and Commissioners for planting of Kirks, with the accusations & complaints, if there be any, of Superintendents, Commissioners, or any others upon Ministers. *Thirdly*, the penitents remitted to their Superintendents or Ministers at the preceeding Assembly, shall be received according to the order appointed by the last Assemblie, & injunctions shall be given to other notorious criminal persons, that either are summoned by the Superintendent, or commissioner of Kirks; or of their own accord, moved with hatred of their crime, present themselves to the General Assembly. *Fourthly*, such things as were not decided at the preceeding Assembly, and were remitted to the next, or referred thereto by the Lords of Session, & Auditors of the exchequer, or otherwayes, shall be decided & decerned upon. In the *fifth* place, collectors shall be called to give in the accounts of their diligence, & the names of such, as are put to the horne by them, that thereanent remedie may be provided, & also that they may be discharged, or continued, as occasion shall serve. In the *sixth* place, the complaints of Countreys, for want of Superintendents, shall be heard, & provided for, according to the necessitie of the Countrey, which requireth: and likewise appellations, interponed from the synodal Assemblies to the General, shall be received. In the *Seventh* place, questions proponed, in the first and second dayes of Assemblie, shall be decided by such as shall be appointed to that end. In the *eight* place, all Bills and Complaints shall be read and answered. Here ye may see, that the Assemblies convened not only for making canons and constitutions, for then they needed not to convene so oft: but also for ordering of the common affairs of the Kirk, & keeping in order all other inferiour meetings, and the office bearers in the Kirk. As for penitents, they were referred afterward to Provincial Assemblies. As for collectors of the thirds, the use of them endured not long.

The
Bishop
of Ork-
nays trial.

Many offences were laid to the charge of *Adam Bothwell* Bishop of *Orkney*, as simoniacal change of the bishoprick of *Orkney*, where he was appointed to be a Commissioner, with the *Abbie of Halyrudhouse*, he still brooking his stile of the Bishop of *Orkney*. That he hath *simpliciter* desisted from preaching, giving himself daily to the exercise of the office of a temporal judge, as of a Lord of the Session, which requireth the whole man, and stileth himself with Romane titles, as *reverent Father in God*; and sundrie other things. He presented his answers to the tenth Session. *Mr Knox*, *Mr John Craig*, *Mr David Lindsey*, were appointed to try the sufficiency of these answers, and to report to the next Assemblie: but I finde them not. Yet ye may see what things they judged offensive in Bishops, or Ministers.

Earle of
Lennox
Regent.

Matthew Earle of Lennox was chosen Regent, during the Kings minority, upon the fiftenth day of *July*; & his oath taken for maintainance of the lawes and liberties of the Realme, but specially of Religion. The good Regent, the Earle of *Murray*, was slaine upon the twenty third of *Januar* preceeding, to the great grief of all the Godly, both in this, & our neighbour Countrey.

22. Aff.
A General
Assemblie.

In the General Assemblie holden at *Edinburgh* in the beginning of *July*, it was ordained, that all who hereafter shall accept the Ministrie, shall when admitted, protest solemnly that they shall never desert

their

their vocation at any time thereafter, under the paine of infamie and perjurie.

In the decision of questions, the power of Superintendents is limited by the Book of Discipline.

In the Assemblie holden at *Edinburgh* in the beginning of *March*, it was ordained, that all adulterers, murderers, incestuous persons and other like heinous offenders compear hereafter before the Synodal conventions, which are to be holden twice in the year, here to be received, and to take their injunctions, conforme to the order used before by the General Assemblie. It was ordained likewise, that all Superintendents, and Commissioners to plant Kirks, shall present hereafter the Books of visitations of their own Provinces *respectively*, to be revised and considered by such brethren, as shall be appointed for that effect from Assemblie to Assemblie; to the end the Assemblie may understand their diligence in executing of their Offices within their Provinces. It was ordained, that all questions be proponed hereafter in the Synodal conventions, there to receive their solutions; and if any question happen too hard for them, the Superintendents, and Commissioners of Kirks, shall propone the said hard questions to the General Assemblie: And that the same order be observed in complaints &c.

In the decision of questions, the power of Superintendents is againe limited by the Book of discipline, and former acts of Assemblies.

Touching jurisdiction ecclesiastical, the Assemblie appointed the Superintendent of *Angus and Fyfe*, *Mr Knox*, *Mr Robert Pont*, *Mr John Row* to conceive the heeds and points pertaining to the same, and present them to the Assemblie to be considered, that thereafter they may be presented to the Lord Regents grace, with instructions to be given to the Commissioners, that shall be appointed. The commissioners were chosen, and the Articles conceived; as followeth.

First, that the Kirk have the judgment of true and false Religion, of Doctrine, Heresies and such like, annexed to the Preaching of the Word and Ministratation of the Sacraments. 2. Election, Examination and Admission of them that are to be admitted to the ministry or other functions of the Kirk, charge of soules & ecclesiastical benefices, Suspension and Deprivation of them from the same for lawful causes. 3. All things concerning the Discipline of the Kirk, which stand in Correction of manners, Admonitions, Excommunication, and receiving to repentance. 4. The judgment of ecclesiastical matters, debated between persons, that are of the Kirk, & specially amongst those, that are constitute in the ministrie, as well concerning beneficial causes as others. 5. Jurisdiction to proceed by admonitions to the process of Excommunication, if need require, against those that rob the Kirk of the patrimonie pertaining to the ministrie, or otherways intromet with the same unjustly, whereby the ministrie is in danger to decay, by the occasion of the poverty of Ministers. 6. Because the conjunction of marriage pertaineth to the ministrie, the causes of adherence and divorcement ought also to pertaine to them, as naturally annexed thereto.

In the instructions given to the Commissioners, sent to the Regent and the Council, to be proponed, reasoned upon and concluded, this was one, that His grace and Council approve the jurisdiction of the Kirk, conforme to the particular information given thereupon.

1570

Decision
of questions.

1571

A General
Assemblie.Decision
of questions.Articles
concern-
ing the ju-
risdiction
of the
Kirk.

1571.

The Commissioners
of the Kirk
not heard
at Parlia-
ment.

The Earle
of Lennox
Regent
slaine.

The Earle
of Marre
Regent.

Intercourse
of letters
between
the Regent
and Super-
intendent
of Angus.

A Parliament was holden in the Kings name at *Stirling*, and began the twenty eight of *August*. Upon the last of *August*, the Commissioners of the General Assemblie gave in the Articles of the Assemblie, craving, that benefices may be bestowed only upon qualified Persons, which qualification should be tried by the Kirk; that manfes and gleibes be not set in feu, but be occupied by Ministers; that incest and other grievous crimes be punished &c. The Regent approved their petitions: But the Lords, specially the *Earle of Mortoun*, who then ruled the Court, reproached them with contumelious words; and said, he should lay their pride, and put order to them. The Superintendent of *Fyfe* inhibited *Mr John Douglas*, Rector of the University of *St Andrews*, who was presented to the Bishoprick of *St Andrews* a little before, to vote at this Parliament in name of the Kirk, under the paine of Excommunication. *Mortoun* commanded him to vote, as Bishop of *St Andrews*, under the paine of treason.

Matthew Earle of Lennox was slaine in time of this Parliament by some sent out of *Edinburgh* from the *Queens* faction, & *John Earle of Marre* was chosen Regent.

About the beginning of *November*, certain letters were proclaimed in *St Andrews*, at the Regents direction, discharging the Collectors of the Kirk to gather the thirds; because, as was alledged in the Letters, Ministers stipends were not payed, nor that part, which was allotted to the Kings house out of the thirds. But it was thought, that these Letters were raised at the instance of the *Earle of Mortoun*, to whom *Mr John Douglas*, whom he had presented to the Bishoprick with reservation of the profite to himself, had written, that the Collector would not suffer him to up-lift certain Duties, belonging to the Bishoprick. *John Areskeen Laird of Dun* writeth to his chief, the *Earle of Marre* Regent, a prolix letter, wherein he insisted upon these points; that all benefices of tithes, or having tithes adjoined or annexed, are for the office of preaching the Evangel and Ministracion of the Sacraments; that the Kirk hath the power of examination and admission of men to Spiritual Offices, and benefices of Spiritual cure; that no Prince can set up, by his own Authority, men in Spiritual Offices, creat Bishops or Pastors. And lest it should appear, that Ministers seek, through avarice and ambition, the possession of great benefices, he letteth his Grace understand, that the Kirk hath continually petitioned, as their Articles concluded in the General Assemblie, consented to and subscribed by the most part of the Nobilitie, and proponed to the Kings mother, bear; that when ever any of the great benefices waiked, having many Kirks joined thereto, that all the Kirks should be divided, & severally disponsed to severall men, to serve every one at his own Kirk; in which minde all, that bear office in the Kirk, continue. But if this dismembriing of great benefices cannot be granted at this time, he doubteth not, but the Kirk will consent, that the benefices & Offices joined thereto, being conferred according to the order before mentioned, will consent to assigne such profitess, as may be spared above the reasonable sustentation of the Ministers of the Kirks of such benefices, to the maintenance of the Authoritie and the common affairs, till farther order be taken in these matters. I cannot, saith he, but lament from my very heart, a great misorder used in *Stirling* at the last Parliament, in creating Bishops, placing them, and giving them vore in Parliament as Bishops, in despite of the Kirk, and high contempt of God, the

Kirk opposing herself against that disorder. What followed thereupon is known. *Matthew Earle* of *Lennox* Regent was slain before the Parliament ended. The Regent returned answer upon the fifteenth of *November*; that his meaning was mistaken, concerning the disposition of benefices great and small; that their meaning was, and still is, to procure the reforming of things disordered, in all sorts, as far as may be, the privilege of the King, Crowne and Patronages being preserved. That the fault of the whole standeth in this, that the Policie of the Kirk is not perfect, nor any sort of conference holden among Godly men, well minded & of good judgment, how the same may be helped. With this answer, he sent a discharge of the inhibition lately given. By this answer, ye may see, that the Policie of the Kirk was not thought yet perfect, howbeit the Lords erred in that kinde of Policie, which they aimed at; as ye shall hear.

Upon tuesday the sixth of *December*, the Superintendent of *Fyfe* & *Mr John Douglas* Rector of the University of *St Andrews*, came to *Leith*; because the Superintendent of *Angus*, at the Regents desire, had written for the Superintendents and other Commissioners of the Kirk, that some order may be taken about provision of the King's house out of the thirds, and to consult upon some matters touching the policie of the Kirk & disposition of benefices. But the matter was delayed till a Convention appointed to be holden in *Januar*.

Upon the twelfth of *Januar*, there was a Convention at *Leith* of Superintendents, Commissioners, Ministers, Commissioners from towns and Kirks. This meeting is called in the Register, a *Convention*. The ordinar Assemblie was appointed at the last Assemblie, to be holden at *St Andrews*, and to begin the sixth of *March*: yet they concluded in the second Session, that this present Convention should have the force & strength of a Generall Assemblie; and that all things may be treated and ended therein, that use to be treated or concluded in any General Assemblie. They ordaine nevertheless, that the Moderator of the last Assemblie continue till the next, and that the brethren, that are present at this Convention, so many as may conveniently, come to that ordinar Assemblie.

In the third Session, they give full commission and power to the Superintendent of *Angus* and *Mearnes*, the Superintendent of *Fyfe* and *Stratherne*, *Mr William Lyndie* of that ilk, *Mr Andrew Hay* Commissioner of *Clidsdale*, *Mr David Lindsey* Commissioner of *Kyle*, *Mr Robert Pont* Commissioner of *Murray*, *Mr John Craig* one of the Ministers of *Edinburgh*, or to any four of them, to compear before my Lord Regents grace, and so many Lords of the secret Councel, as his grace shall appoint, in *Leith*, this instant moneth of *Januar*; and there in the Kirks name most humbly propone the Articles, Heeds, Supplications and Complaints, delivered to them by the Kirk presently Assembled, most humbly requesting answer to the same; to confer and reason with his Grace and Councel foresaid, upon such Heeds and Articles, as shall be proponed by them to his Grace and Councel, and to conclude therein, conforme to the instructions given to them by the Assemblie &c. And to report the saids Heeds and Articles with their conclusions thereupon to the next Assemblie, which is to begin at *St Andrews* the sixth of *March* next to come, to the effect the same may be insert among the acts of the Gen. Assembly &c. be firme & stable &c. Item they ordaine the said

1572.

1572.

A convention of Superintendents &c. at Leith.

G

brethren

1572.

The Con-
vention
corrupt.

Commis-
sion to es-
tablish the
Police of
the Kirk.

The Poli-
cie agreed
upon at
the Com-
mittee ap-
pointed by
the Coun-
cel and the
last Con-
vention of
Ministers.

brethren to pen the heeds and articles for the Kirk, and to deliver the double of them to the Clerk, to be registred in the Register of the Assemblie: Yet neither the Instructions nor the Articles are to be found in the Register. They were in great haste; and might not continue long together, as they confess in the third Session; whether by reason of the troubles of the time, and civile wars between the *Queens* faction & the partie for the King; or their suddain calling to this Convention, I know not; and therefore they committed matters of greatest weight to some few Commissioners, whom it was easie for the Court to draw to their side. *Mr Knox* was in *St Andrews* in the mean time, and not able to travel to the Assemblies, by reason of his bodily infirmities.

How corrupt, how partial, how readie this Convention was to please the Court, ye may see by this; that, understanding my Lord *Regents* Grace and Councel were desirous, that *Mr Robert Pont* should accept the place of one of the Senators of the Colledge of justice, which he would not accept without the advice of the Assemblie, they give him licence to accept and use the place, what time he shall be required there-to; providing that he leave not the office of the Ministrie, but that he exercise the same, as he shall be appointed by the Kirk; & that this their licence to the said *Mr Robert* be no preparative to any other Minister, to procure such promotion without the Kirks advice, and licence had & obtained thereto before

Upon the sixteenth of *Januar*, the *Regent*, with advice of the Lords of secret Councel, in the Kings name & authoritie, gave power and commission to *James Earle of Mortoun* Chancellour, *William Lord Ruthwen* Treasurer, *Adam Bishop of Orkney*, *Robert Commendator of Dumfermling* Secreatar, *Mr James Makgil* of *Rankeillor* neather clerk of Register, *Sir John Ballenden* of *Achmoul* knight justice Clerk, *Mr Will. Lundie* of that ilk, *Colline Campbel* of *Glennorchie*, or any four of them, to convene, advise, treat and conclude with Superintendents and Ministers of the Kirk, or Commissioners authorized by them, anent all matters, tending to the ordering & establishing of the policie of the Kirk, the sustentation of the Ministers, & support of the kings Majestie, & common affairs of the Realme, to continue in such order, as shall be agreed upon, till his Highness perfect age, or till the same be altered & abolished by the three Estates in Parliament, promising to hold firme & stable all & whatsoever the said Commissioners do & conclude, in the premisses.

The Articles and forms of Letters, concerning provision of persons to benefices and spiritual promotions, agreed upon by the Commissioners of the Kirk on the one side, and of the Councel on the other side, at this conference holden at *Leith* in *Januar* 1571. but 1572. according to the new account, are registred in the Books of Councel.

They think good, in consideration of the present estate, that the names and titles of Archbishops and Bishops be not innovated, nor yet the bounds of the diocies confounded, but stand and continue in time coming, as they did before the reformation of Religion; at the least till the Kings majoritie, or consent of Parliament. That there be a certain Assemblie or Chapter of learned Ministers, annexed to every Metropolitan and Cathedral Seat. That the Dean, or failing the Dean, the next in dignity in the Chapter, use the jurisdiction in spirituals, as the Bishop might have used, during the time of the vacancie. That all Archbishops and Bishops, that shall be admitted hereafter, exercise no far-

ther

ther jurisdiction, in spiritual function, then the Superintendents have, and presently exerce, till the same be agreed upon; and that all Archbishops & Bishops be subject to the Kirk, and General Assemblie thereof, *in Spiritualibus*, as they are to the King *in temporalibus*, and have the advice of the best learned of the Chapter, to the number of six at the least, in the admission of such, as shall have function in the Kirk; as also that it be leasome to as many others of the Chapter as please, to be present at the admission, and to vote thereanent.

In the Article anent Abbacies, Priories and Nunries, they think good, that no disposition or provision shall be made of any Abbacie now vacant, or that hereafter shall valke, to any person or use, till it be considered, what portion of the rents consisteth in tithes, and what portion in temporall lands. And at first, that provision be made by advice of the Bishop or Superintendent, within whose Province the Abbacie or Priorie lyeth, how the Ministers, belonging thereto, shall be sustained of the fruits belonging to the same Kirks; and if it be possible, by special assignation of so much yearly stipend, as shall be found reasonable, and be appointed by the Bishop or Superintendent of the Province, & such of the Kings Majesties Council, as shall be directed to accord with him thereupon. As for the remanent profit and title of the benefice; because the possessor must supplie the place of one of the ecclesiastical Estate in Parliament, they think it needful, that he, who shall have the stile, title and place of Abbot, Prior or Commendator, be well learned and qualified; and for trial of his qualification, that the Kings Letters Commendatorie under the signet, shall be directed to the Archbishop or Bishop of the Province, wherein the Abbacie or Priorie lyeth, to try and examine his learning and abilitie, and upon testimonial of his abilitie from the Ordinar, he shall compear before the King or his Regent, and give his oath in forme as the Bishop doth; And then shall the Kings Letters & Provision under the great seal be expedie, directed to the ordinar Bishop of the Province, or others bruiking the Dignities, or superior office in the seat, to give him collation. When the present Convent of any Abbay or Priorie hath departed this life, they think good, that in their places, the Ministers, serving the Kirks of the same Abbay or Priorie, shall be the Chapter or Assessors to the Commendator, in giving of any infeftments, tacks, rights or disposition of rents. They think good, that the Persons, thus provided and admitted Commendators, may be promoted, as they shall be found worthie, to be Senators for the spiritual estate in the Colledge of justice; or may be employed by the King in the necessarie affairs of the Commonwealth; it being first provided, that no Kirk, belonging to their living, be destitute of Ministration, and the consent & benevolence of the Ordinar also be obtained thereto.

In the Articles anent benefices of cure, they agree, that it shall not be lawful to any, entring in the function of the ministrie, to leave that vocation and the place appointed for his residence, above the space of fourtie dayes in the year, without a lawful impediment, and licence of the King & Ordinar, where the benefice lyeth, under the paine of deprivation. That all such as are, or shall be found worthie, or qualified Ministers and Readers, shall be planted throughout the whole Realme, and that there be Readers specially appointed at every severall Kirk, where conveniently it may be done, which being found qualified by the Bishop or Superintendent, and entring by the lawful order of this true reformed Kirk, shall

1570.

minister the Sacrament of baptisme, and make marriages after the proclamation of bands lawfully and orderly as effects. That all vicarages or within the yearly value of fourtie pounds, may be conferred to Readers; but if they exceed that rent, to those that can preach and minister. That where the benefice is greater, than the appointed stipend of the place, the superplus shall be countable to the supplie of other parts, by the Ordinar, and with advice of such as the King shall appoint. That all common Kirks be disposed, as benefices to qualified persons: that none be admitted hereafter to pluralitie of benefices with cure, That Universities brook the patronages of the Kirks and chaplanries annexed to the Colledges, presenting qualified Persons to the Kirks; and bursars within their own colledge, to the Chaplanries; wherein if they fail, that the Ordinar dispoise the same *jure devoluto*, & failing the Ordinar, the King. That every person, who shall intend to be a Minister, or to brook any Spiritual promotion, or possess any living out of any benefice or Spiritual promotion, shall, in presence of the Bishop or Superintendent of the diocie, declare and subscribe the Articles of Religion, or the Confession of Faith, and Doctrine of the Sacraments, contained in the acts of Parliament, holden in the first year of the reigne of our Sovereigne Lord; and give their oath for acknowledging the Kings Majestie and Authoritie, according to the forme presently set forth, and shall bring from the Bishop or Superintendent a testimonial, and read both the Testimonial and Confession, in time of sermon or publick prayers, in the Kirk where he ought to attend, or receive his commodity, and of new make the said oath, within the space of a moneth after his admission or promotion to the same ecclesiastical living or yearly commoditie, under the paine of deprivation. Other Articles concerning the right of Patrons, and perswading the people to continue in obedience to the King, his Regent & Authoritie, I pass by.

In the heed of Provostries, of Colledge Kirks and other benefices under Prelacie, whereunto diverse Kirks are annexed, they agree, that no disposition or provision be made of any vacant Deanries, Provostries, of Colledge Kirks or other benefices, whereunto diverse Kirks are annexed, to any Person or use, till it first be considered, what is the rent of the benefice, and wherein it consisteth, and that provision be made, how the ministrie of every one of the several Kirks shall be sustained of the fruits of the same Kirk, if it be possible, by special assignation, or so much yearly stipend, as shall be found reasonable, and shall be appointed by the Bishop or Superintendent of the Province, and such of the Kings Council, as shall be directed to accord with him thereupon. That if the living both of the provostrie and prebendries be founded upon the fruits of a parish kirk, the Kirk shall be first provided of a Minister, and special assignation made for his payment, before the title of the whole be disposed to any one Person.

In the head of the Disposition of Provostries, Prebendries, Colledge Kirks, founded upon temporal lands, or annualls, and all Chaplanries of the like foundation, now vacant, or which hereafter shall happen to vaicke, they shall be bestowed by the Kings Majestie, or other lawful Patrons, upon bursars & students in Grammar, Arts, Theologie, the Lawes or Medicine. Here the manner is set down at large.

In the manner of creating of a Bishop, this order is set down. First the

forme

forme of a letter or precept, which the King or his Regent shall send to the Dean and Chapter, to proceed to the election of the Person nominated, & withall a licence to choose a Bishop to the vacant place. Then is set down the forme of the edict, whereby all the Ministers in the diocie, that are appointed to represent the Chapter, are required & charged to be present at such a day and place, to performe that which appertaineth to the said election. Then is set down the forme of the testimonial of the Dean & the Chapter to the King, or to his Regent. In case the Person nominated be not found qualified, they humbly crave & require his Majestie, with all convenient expedition, to nominate another sufficiently qualified. Then followeth the confirmation, provision & royal assent upon the Chapters testificat of their election: And the King or his Regent commandeth the Archbishops or Bishops to consecrate the Person elected, and to confirme the said election, and to do all other things belonging to their pastoral office in that part, after the forme of the lawes of this Realme, with all diligence. If he be a Bishop already, and is to be translated, then there is another forme of a letter directed to the Archbishop. Thereafter is set down the precept for restitution of the temporalities to the Bishop.

Because diverse of the Deanries, and other dignities & benefices, called Channonries and Prebendries, in Metropolitan and Cathedral Kirks, were possessed by persons, that have not made profession of the true Religion, nor yet have entered by lawful order of the true reformed Kirk, in the function of the ministrie: and therefore not meet to give vote in the election of the Bishop; there is an order set down, which shall be observed for the *interim*. Twenty one Ministers are nominated to be the Chapter of the Archbishop of *St Andrews*, after the death of the present Convent of the Abbey, consisting of twenty one persons. And so many of the old Chapter as live, and are Ministers, shall still be in the Chapter, during their natural lives, *viz.* the Bishop of *Cathness*, Commendator of the Priorie of *St Andrews* Dean, Mr John Winram Prior of Portmoak, and other eight or nine. They agree, that in the seat of the Archbishoprick of *St Andrews*, under the Archbishop these dignities or superior offices in the Kirk be retained, which *successive*, having the Kings licence to choose, shall convocate the Chapter to the effect: the Dean, who is living, is and shall be the Prior, the Archdeacon of *St Andrews*, the Archdeacon of *Lothian*, the Chancellour, who shall be the Provost of the *Queens* colledge beside *Edinburgh*. And in the mean time, while the livings of the said Archdeaconries and Chancellarie vaile by the death of the present possessors, which are of the function of the ministrie, the Offices shall be served by Mr John Winram as Archdeacon of *St Andrews*, Mr John Spotswood as Archdeacon of *Lothian*, Mr David Lindsey as Chancellour. Siclike for the Bishoprick of *Glasgow*, where the Chapter before consisted of thirty two Channonries or Prebendries, founded on distinct and several benefices; six of the present possessors of the benefices, having already entered to the function of the ministrie, shall be of the Chapter, for the election of the Archbishop; & howsoon the remanent present possessors shall depart this life, the benefices shall be disposed to persons qualified for the ministry, which shall be of the Chapter; & in the mean time other Persons are designed to supplie their place. The Dignities, which successively having licence to chuse, shall convocate the Chapter, shall be renewed, to wit, the Dean, the Arch-

deacon of *Teviotdale*, the Chancellour. The livings of the dignities shall be bestowed, after the death of the present possessors, upon Persons qualified for the ministrie, & in the mean time these Persons shall represent them, *Mr Andrew Hay* the Dean, *Mr James Gregg* the Archdeacon of *Glasgow*, *Mr John Colmelie* the Archdeacon of *Teviotdale*, *Mr David Weems* the Chancellour, without prejudice of the present Chapter, during their life time, in things temporal.

Then followeth the forme of a Letter, directed to the Ordinar, or the seat being vacant, to the Dean, or other next constitute in dignity of the Chapter, in favours of a Person to be promoted to an Abbacie or Priorie, requiring the Person nominated to be tried in his ability and learning; because the possessor of the said Abbacie or Priory is to represent the Person of one of the ecclesiastical state in Parliament. Thereafter followeth the testimonial of the Ordinar, returned to the King or his Regent: And in case the Person nominated be not found qualified, a request to nominate another: if he be found qualified; then followeth the gift and provision of the Person approved to the Commendatorie of the said Abbay or Priorie, wherein the Bishop or Archbishop is required to make the Person, admitted Commendator, sure of having institution and possession.

Then followeth the forme of a Letter, directed to the Master of the Grammer school, in favour of a bursar student in Grammer, the answer of the Master, and the gift and provision upon the certificat of the Master. The like formes are to be used for a bursar in Art, or a bursar student in Theologie, with change of termes in time, quantitie of rent, & other things needful.

Thereafter followeth the forme of the oath to be given by the persons provided to any benefice with cure, at the time of his admission by the Ordinar; as also by the bursars of Art, Theologie, the Lawes or Medicine, at the time of their reception in Universities. In end the Book concludeth with these words.

Foras much as the heeds & Articles now put in such forme, as is contained in this Book, cannot have full effect end execution, as lawes; nor no laick patron unwilling, can be compelled thereby, till the same be allowed & enacted in Parliament: nevertheless it is thought & meant, that my Lord Regents grace, in such things, as he shall happen to pass in the Kings Majesties name, and the Bishops and Superintendents and Masters of Colledges and Scooles in their admission, and the Lordes Session in granting of Letters, shall have respect to the keeping & observation of the order now condescended upon, as if it were established by Law; And that laick patrons be perswaded to the observation of the same order, which is ordained to have the strength of an act of secret Councell. And that exact labour shall be taken, to get this order allowed, confirmed and established, as Law, by Parliament: And for that effect, that the formes of signatures, & other grants of any special promotion, or matters concerning the same, and his Highness answers be registrated, & if signatures or letters unregistrat & subscribed by the hands of the Regent, be different from these formes, that the Clerk stay the same unregistrated, while the matter be opened to the Regent, & his minde certainly understood. And no Letters pass with blanks; and no double gifts be registrated without the Regents minde first known.

Which Articles and formes within written, being seen and considered by my Lord Regents grace, he, in our Sovereigne Lords name, alloweth

and approveth the same. At *Leith* the first of *Februar* the year of God 1571. but 1572. according to the new account.

Here ye see, this Book for the most part concerneth the provision of the Old titles of Archbishops, Bishops, Deans, Archdeacons, Chancellars and such like, to Ministers; & of Abbacies and Priories to other qualified Persons, to vote in Parliament as Persons of ecclesiastical estate. Here is a fair shew of restoring benefices of cure, great and small, to the Kirk: But in effect it was to restore only titles, which noblemen perceived, could not be given conveniently to themselves; but they gripped to the commodity, in obtaining from the titulars, either temporal lands, fewed to themselves, or tithes, or pensions to their servants or dependers: And therefore the Bishops, admitted according to this new order, were called in jest, *Tulchane Bishops*. A *Tulchane* is a calfs skin stuffed full with straw to cause the cow give milk. The Bishop had the title, but my Lord got the milk or commoditie. Yet in this Book, no farther power is allowed to Bishops or Archbishops, then before to Superintendents. Nothing here concerning Discipline, process of Excommunication, order of Ministration of the Sacraments, and many other heeds contained in the first Book of discipline. So we may see, what it was that withheld sundrie Lords from approving the Book of discipline, even that there was another order prescribed in it, for bestowing of the Kirks rents, then they could be well content with: And therefore it seemeth, that they now allow the Book of discipline, in so far as it is not crossed or altered by this Book. The Superintendent of *Angus*, a man too tractable, might easily be induced by his Chief, the Earle of *Marre*, Regent for the time, to condescend to the heeds and articles of this Book. How these heeds and articles were accepted by the Assemblies following, ye shall hear incontinent.

Upon the twenty eight of *Januar*, the Earle of *Mortoun* went to *St Andrews*, and caused affix an edict upon the Kirk door & Abbey gate, upon the Lords day the third of *Februar*, warning the persons, appointed to represent the Chapter, to be in *St Andrews*, the sixt of *Februar*, upon which day *Mr John Douglas*, Rector of the Universitie, gave a proof of his gift by preaching in the Kirk of *St Andrews*. Upon Friday the eight of *Februar*, *Mr Patrick Adamson* discontented, because he was not preferred to a Bishoprick, as he expected, relying upon the Clerk of Registers moyen, in his sermon divided Bishops in three sorts, *My Lord Bishop*, *My Lords Bishop*, and *The Lords Bishop*. *My Lord Bishop*, said he, was in time of Papistrie: *My Lords Bishop* is now, when my Lord getteth the fat of the benefice, and the Bishop serveth for a portion out of the benefice, to make my Lords right sure. *The Lords Bishop* is the true Minister of the Gospel. A great debate there was at the election, but in end the Rector was chosen; notwithstanding that many of the Ministrie opposed. *Mr Knox* being then resident in *St Andrews*, and preaching upon the Lords day the tenth of *Februar*, the Earle of *Mortoun* being present, refused to inaugurate the Bishop; yea in open audience of many then present, he denounced *Anathema* to the giver, and *Anathema* to the receiver; as I finde in a certain manuscript. After sermon, the Superintendent of *Fyfe* went up to the pulpit, and had a short exhortation, which being ended, he observed the order, which was used in the admission of Superintendents, demanding the same questions, and the Rector *Mr John Douglas* answering, having his an-

swers

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Mr John
Douglas
inaugurated
Bishop
of St An-
drews.

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swers written in paper. *Mr William Cock* bailif of *St Andrews* answered in name of the people. Thereafter, the Bishop of *Cathness*, *Mr John Spotswood* Superintendent of *Lothian*, and *Mr David Lindsey*, that is, the persons representing the Archdeacon of *St Andrews*, the Archdeacon of *Lothian*, and the Chancellor, sitting with the Rector upon a turme before the pulpit, layed their hands on him, & embraced him, in signe of admission. When the questions were demanded, he denyed, that there was any simoniacal paction: which was not true. Being demanded, if he would not be obedient to the Kirk, and usurpe no power over the same? he answered, he would claime no greater power, then the Council and General Assemblie shall prescribe. When *Mr John Rutherford* provost of the Old Colledge, alledged *Mr Knox* his repining proceeded from male-contentment: *Mr Knox* purged himself the next Lords day, saying, I have refused a greater Bishoprick, then ever it was; which I might have had with the favour of greater men, then he hath his: I did and do repine for discharge of my Conscience.

Observations upon this inauguration.

This was the first sort of Bishops, which was brought in to our reformed Kirk: For the converted Bishops at the Reformation, were not suffered to exerce their old Episcopal office, nor yet to bear the office of a Superintendent, or of a Commissioner or Visiter; but only when, & how long it pleased the Assemblie; and that more, because they had rents to bear their charge, than for their gifts & good qualities. Never one of them had the credite to be Moderator of the General Assemblie. These Bishops now agreed upon, are in power Superintendents only, and admitted only as Superintendents. It was easie to the court, to obtaine the consent of many Ministers to this sort of Episcopacie, and other articles of the Book, some being poor, some being covetous and ambitious, some not taking up the gross corruption of the office, some having a carnal respect to some Noblemen, their friends. But the Book was never allowed by the General Assemblie, howbeit this sort of Bishops were tollerated for three or four years.

A General Assemblie. Commission to try the new Book of Policie.

In the General Assembly holden at *St Andrews* upon the sixth of March the brethren convened, understanding, that Commissioners appointed by the last Assemblie, had already agreed upon some heads with the Lord Regent's grace and Council, appointed the Archbishop of *St Andrews*, Masters *John Knox*, *John Craig*, *John Row*, *Alexander Arbuthnot*, *James Wilkie*, *Patrick Adamson*, *Gilbert Gordon*, *William Clerk*, *Robert Montgomerie*, *William Christison*, *David Fergusone*, *William Spence*, *George Leslie*, *George Scot*, *John Rutherford*, *Patrick Kinninmonth*, with the Superintendent of *Fyfe*, & Masters *David Lindsey* and *Andrew Hay*, Commissioners before appointed, that they or eight of them convene in *Mr Knox* his house, & there consider and sight the said articles, and what they finde therein agreeable with Gods word, and for the utilitie of the Kirk, to report the same to the Assemblie. What was done at this conference we know not, for we finde no report made, nor the conclusions insert in the Register. But we may easily collect, that the Book was not approved, by a new Commission appointed in the next assemblie to revise the Book; or else that the Conference was not holden.

Complaint upon the new Bishop

At this Assemblie, when some of the Universitie presented a bill, putting them in remembrance, how *Mr John Douglas* promised, when he was to be admitted Bishop, to demit all the offices, which might impede

him to execute the office of a Bishop, and especially the Rectorie of the Universitie, and Provostrie of the new Colledge: yet this Assemblie, for certain causes moving them, continued him in the Rectorie, till the next Assemblie; providing in the mean time a qualified person be provided to the Provostrie, according to the foundation. *Mr Knox*, when he heard of it (for he kept house by reason of the weakness of his bodie, except when he was to teach) lamented, that so many offices were laid upon the back of an old man, which twenty men of the best gifts were not able to bear; and said, he would be disgraced and wracked. And indeed he had neither that honour, health nor wealth, which he had before. *Mortoun* and his friends took up a great part of his rent in taks, fews, pensions. As he was unable of his bodie to travel, so was he more unable of his tongue to teach; yet little respect had the Court to the abilities of his person, so that commoditie could be reaped by vertue of his title.

Theodor Beza being informed by *Mr Knox*, as appeareth, of the intention of the Court, to bring in Bishops, directeth a Letter to *Mr Knox*, dated at *Geneva* the twelfth of *Aprile*, which is extant among his Epistles, wherein he acknowledgeth it to be the great gift of God, that the Kirk of *Scotland* hath the pure Religion and good Order, the band to hold fast the Doctrine, and beseecheth him and his fellow labourers, to hold fast these two, and to remember, that if the one be lost, the other cannot continue long. But, saith he, *I would have you, my dear Knox; and the other brethren, to remember that which is before your eyes: As Bishops brought forth the Papacie; so false Bishops the reliſts of Poperie, shall bring in Epicurisme to the world: They that desire the Churches good and safety, let them take heed of this pestilence; & seeing ye have put that plague to flight timouſly, I heartily pray you, that ye never admit it againe; albeit it seem plausible with the pretence or colour of keeping unity, which pretence deceived the ancient Fathers, yea even many of the best of them.*

The Assemblie that convened at *Perth* the sixt of *August*, appointed the Superintendents of *Angus* and *Fife*, Masters *John Craig*, *John Row*, *William Christifone*, *David Fergusone*, *David Spence*, *John Rutherford*, *Patrick Kinninmonth*, together with Masters, *Robert Pont*, *David Lindsey*, *Andrew Hay* and *Mr William Lundie* of that ilk, to convene upon Friday next, at six hours in the morning, in the Council-house, to consider the heeds & articles concluded at *Leith* in *Januar* last by past, and what they finde therein either to be retained or altered, to report it againe to the Assemblie; and ordained all and sundrie Brethren, that have any reason to alledge against the said Conclusions, to convene with the foresaid Brethren the said day, or before, and shew their opinion, with certification, that they shall not be heard after. In the third Session, the Brethren appointed, presented to the Assemblie a protestation, with their opinion touching the summe of the heeds and conclusions, requiring the Assemblie to adhere to the same the tenor whereof followeth.

For samee ke as in the Assemblie, holden in *Leith* upon *Januar* last, certain Commissioners were appointed to travel with the Nobilitie and their Commissioners, to reason and conclude upon diverse articles and heeds, then thought good to be conferred upon; according to which Commission they proceeded, at diverse diets & conventions; and final-

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A passage
of Beza's
Letter to
Mr Knox.

A new
commis-
sion for re-
vising the
new Book
of Policie.

The Revi-
fers judg-
ment with
a protesta-
tion.

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lie agreed, for that time, upon the said heads and articles, as the same produced in this Assemblie proports; in which, being considered & read, are found certain names, such as *Archbishop*, *Dean*, *Archdeacon*, *Chancellor*, *Chapter*, which names are thought slanderous and offensive to the ears of many of the Brethren, appearing to sound to Papistrie. Therefore the whole Assemblie in one voice, as well those that were in Commission at *Leith*, as others, solemnlie protest, that they mean not by using any such names, to ratifie, or consent and agree to any kinde of Papistrie or Superstition, & wish rather the names to be changed into other names, that are not scandalous and offensive: And in like manner protest, that the said heeds and articles agreed upon, be only received as an *interim*, till further and more perfect order may be obtained at the hands of the Kings Majesties Regent and Nobilitie, for the which they will press, as occasion shall serve; unto the which protestation the whole Assemblie convened in one voice adhered.

Touching the names and titles of *Archbishops*, we think good, that they that had the title of *Archbishops* before, use hereafter the name of *Bishop*, & not of *Archbishop*, in things which concerne their function in the Kirk. As for the name of *Dean*, *Archdeacon*, *Chapter*, *Chancellor*, we think it good, that because these names seem to bring in Superstition with them, and so are offensive to the ears of a great number, they be changed in other names tending to the same purpose, such as, the *Chapter* to be called the *Bishops Assemblie*; the *Dean* the *Moderator* of the said Assemblie. As to the function of *Deans*, *Archdeacons*, *Chancellars*, we think good, that some be appointed by this present Assemblie, to try and give their judgment, how far the said function shall extend in particular; as also concerning the function of *Abbots* and *Priors*, & the interchanging of all their names into other names, more agreeable to Gods word, and Policie of the best reformed Kirks; and that they report to the next Assemblie, or els to the next Parliament, if any shall happen to be holden betwixt this and the next Assemblie. And we think good, that Commissioners be appointed by this present Assemblie to attend upon the Parliament, if it shall happen to be; or otherwayes to pass to the Regents grace and secret Councel, for such things as shall be given them in Commission. Farther revising of the said Conclusions, the said Brethren continue, till farther opportunitie, alwayes adhering to the former protestation.

Here ye may see, they condescend, or rather protest, that the articles, and heeds agreed upon, be received, not till the Kings perfect age, as was agreed at *Leith*; but only for the *interim*, till a more perfect order be obtained at the hands of the Kings Majesties Regent and Nobilitie, for which they would press, as occasion should serve: And this is to be understood of things resolved upon already, or of what should be resolved upon; for as yet they understood not, what shall be the functions of *Abbots*, *Priors*, *Deans*, *Archdeacons*, *Chancellars*; and so could not as yet resolve upon them. The Bishops power, in matters spiritual, was defined in the Book, not to exceed the power and authoritie of Superintendents. Neither are they content with their present judgment and protestation; because they had but one diet to read and consider all; but referre farther consideration to farther opportunitie; so that in effect they are not fully resolved in any heed, but all the heeds and conclusions hang in suspense. This was the first appearing against these heeds and con-

clusions.

clusions: but ye shall hear of more in the Assemblie following. It was hard to root up in one hour, that which the court had plotted & still cherished.

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M. Knox
his death.

Master *Knox* departed this life, upon the twenty fourth of *November*, the light and comfort of our Kirk, & a patterne to Ministers for holiness of life, soundness in doctrine, & courageous libertie in rebuking of Persons of whatsoever rank. Bishop *Ridley*, notwithstanding his opposition to the Book of Common prayer & English Ceremonies, confesseth in a Letter to Master *Grindal*, that he was a man of good wit, of much good learning & earnest Zeal. In eloquence & forcible expression of his minde, either by word or writ, he surpassed all other of his calling in this Nation. How profound he was in Divinitie, that work of his upon predestination may give evidence. Incredible was the success of his paines in planting the Gospel and the work of reformation, till Religion was so established, that scarce a Papist durst set up his head, and avouch Popery. He alone did more good then all the Superintendents, & for his gift was more esteemed. How many things did he foretel, which came to pass! When the Castle of *St Andrews* was besieged both by sea and land, after the slaughter of the Cardinal, and the Defenders within triumphed upon any good success; he ever said, they saw not what he saw. When they bragged of the strength and thickness of their walls, he said, they will prove like egge shells. When they said, England will releave us; he said, ye shall not see them at this time, but shall be delivered into your enemies hands, and carried unto a strange Countrey: And so it came to passe. When the Lords of the Congregation were twice Discomfited by the french souldiers, he assured them, that the Lord notwithstanding would perfect the work of reformation. Because *Queen Marie* refused to come to sermon, he had tell her, that she shall be compelled to hear the word, nill she, will she. And so it came to passe at her arraignment. To her Husband *King Henrie*, sitting on the Kings Sear in the great Kirk, he said, Have ye for the pleasure of that daiety Dame, cast the Psalme Book in the fire; the Lord shall strike both head and taile. When he was constrained to leave *Edinburgh*, the *Queens* faction possessing both the Town and the Castle, he went to *St Andrews*: At this time, being weak in bodie, but mightie in spirit, he stepped softly to the Kirk that day he was to preach, having a staffe in the one hand, and his servant *Richard Bannatine* holding him upon the other side, all the way from the Abbay to the parish Kirk. After he was lifted up to the pulpit, it behoved him to rest awhile, but before he ended his sermon, he became so active & vigorous, that he was like to break the pulpit in pieces. He threatned, that the castle of *Edinburgh* should spew out the Captaine (meaning *Sir William Kirkaldie* of the *Grange*) with shame, that he should not come out at the gate, but over the walls; and that the Tower of the Castle, called *Davies Tower*, shall runne like a sand glasse. *Mr Robert Hammiltoun* Minister at *St Andrews*, favouring the *Hamiltons* who were upon the *Queens* faction, asked *Mr Knox*, what warrant he had so to threaten: He answered, thou shalt see it with thine eyes. It came so to passe, for the said *Mr Robert* was in *Edinburgh*, when the forework of the Castle was demolished with the batterie of Cannons, & did run down like a sandie brae, & he saw the Captaine coming over the walls upon a ladder with a staffe in his hand, because the passage by the gate was stopped, with the rubbish of the demolished work. Af-

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ter the Abstinence was proclaimed, and the Citizens, who stood for the King, returned to *Edinburgh*. *Mr Knox* returned also the thirteenth of *August*: not being able for weakness to teach in the great Kirk, he taught to a few in the Tolbooth. He wrote to *Mr James Lawsons*, subprincipal in *Aberdeen*, to hasten, lest he come too late: For he was nominate by himself, and accepted by the people to be his successor in that place. Upon the ninth of *November*, he came down from the Tolbooth, where he had been preaching to an hundred persons, admitted *Mr James* in the great Kirk, and took good night of the people. Upon the fourteenth day, thinking it had been the Lords day, he riseth of purpose to teach in the Tolbooth, when he could scarce sit upon a stool: for he had been meditating the night before upon the Resurrection of Christ; for he had finished the Doctrine of the passion the day before. Often did he wish, that he might end his dayes, meditating upon that Doctrine of Christs Resurrection; and so he did. He sent for the Elders and Deacons, exhorted them to stand constant in the Doctrine, which they had heard out of his mouth, and never to joine with the Castle, it remaining in the state it was then, or to meddle with that Faction. He said, *Lethington* was the chief author of all the trouble raised both in *England* and *Scotland*; and what he had denounced against him, and *Sir William Kirkaldie* of the *Grange*, should come to passe. After that he had commended them to God by prayer, they went out from him with tears. At a certaine time, when *Mr David Lindsey* came to visite him, he said to him, I have desired all this day to have had you, that I may send you yet to that man in the Castle, (meaning *Kirkaldie Grange*, the Captain) whom ye know I have loved so dearly: Go: I pray you, and tell him, that I have sent you to him, yet once to warne him, and to bid him in the name of God, leave that Cause, and render that Castle: If he will not, that he shall be brought down over the walls with shame, and hang with his face to the Sun; so God hath assured me. *Mr David* thought the message hard, yet he went and delivered it. The Captain was somewhat moved, till *Secretary Lethington* came to him. *Lethington* said, God tell *John Knox*, he is but a drying Prophet. *Mr David* reported, how his message was accepted. Well, said *Mr Knox*, I have been earnest with God about these two men: For that one, (meaning *Grange*) I am sorrie, that so should befall him; yet God assureth me, that there is mercie for his soul. For the other, I have no warrant to say, that it shall be well with him. From the thirteenth of *November*, when he became so feeble with a hoast, that he could not continue his ordinar task of reading the Scriptures, which he had every day; He caused read every day the seventeenth Chapter of the Gospel according to *John*, the fiftie third of *Esay*, one or two Chapters of the Epistle to the *Ephesians*, and such *Psalms* as he directed himself. Upon the twentie third of *November*, in time of afternoon sermon, after he had lyen a long time quiet, as seemed, he burst forth in these words, I have been meditating these two nights bypast upon the troubled state of the Kirk of God, I have called to God for it, and commended it to Christs Head; I have been fighting with spiritual wickednesses, but have prevailed; I have been in Heaven and tasted of the heavenly joye. Thereafter he rehearsed the Lords Prayer and the Belief, paraphrasing upon every petition and article. After sermon, many came in to visite him. Some asked, if he felt any paine? He answered, I have no more

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paine for the present, then if I were in Heaven, and am content, if it were Gods pleasure, to lye here seven years. When they thought he was fallen a sleep, he was at his meditations, and did burst forth in these or the like speeches, *Lord grant true Pastors to thy Kirk, that purity of doctrine may be continued; restore peace to this Commonwealth; grant godly Rulers & Magistrats: Lord, I commend my Soull and Bodie into thy hands.* When Doctor Prestoun came to visite him about nine hours at night, after he had lyen quiet a space, but not without groans and sighes, he said, *I have been assaulted with sundrie temptations, but have prevailed; at last Satan tempted me to boasting and gloriation in my self, but I repelled him with this sentence. Quid habes, quod non accepisti?* Upon the twenty fourth day of November, he caused read the fiftenth Chapter of the first Epistle to the Corinthians. About five hours he biddeth his Wife read the seventeenth of John, where said he, I cast my first anchor: which she did. At half hour before ten, Doctor Prestoun said to him after the Prayer, Sir, heard you the Prayer? he answered, Would to God, you and others heard it, as I heard it; I praise God for that heavenly sound. He rendred his spirit about eleven hours at night, with great peace, which he expressed both by signes and words. Many of his speeches are set down more amplie by Melchior Adamus, in *Vitis Theologorum exterorum Principum*. Mr Thomas Smetoun in the Description of his life & death, giveth him this commendation, *De quo ut vere & ingenuè dicam, nescio an unquam magis pium, aut majus ingenium in fragili & imbecillo corpore collocavit.* Beza calleth him the Great Apostle of the Scots, & comprehendeth all his praises in few words, when he called him Great Mr Knox. The death of the good Regent of happie memorie, the Earle of Murray, made a deep impression in his heart, but the report of the massacre at Paris did almost exanimat him. The Earle of Mortoun was chosen Regent that day he departed this life. When he was layed in the grave, Mortoun said, There lyeth a man, who in his life never feared the face of man, who hath been often threatned with dag and dager, but yet hath ended his dayes in peace & honour. I cannot passe by here a remarkable signe of Gods care and providence watching over him. It was his custome to sit at the head of the table in his own house, with his back to the window, which was at the head of the table: Yet upon a certain night, as he sat at the side of the table, a bullet was shot from the other side of the street in at the window, of purpose to kill him; because the traitour supposed, that he was sitting at the head of the table according to his custome. The bullet lighted upon the foot of the candlestick, and made a holl in it, as is yet to be seen.

The General Assembly convened at Edinburgh the sixth of March, and David Fergusone was chosen Moderator, who was neither Superintendent nor Bishop. This Assemblie discharged Alexander, called Bishop of Galloway, to exerce any function within the Kirk, till they be farther advised; and ordained Mr John Row, Commissioner for Galloway, to summon him to compare before the next General Assemblie, to answer to such things, as shall be laid to his charge. Commission was given to the Session of the Kirk of St Andrews, to take cognition, decide and conclude upon the rest of Mr Robert Scot his complaints against Mr John Winram, then Superintendent of Stratherne, and to report their proceeding to the next Assemblie. Here ye may see, how Bishops and

1573.

25. Apr.

A General Assemblie.

Trial of Bishops & Superintendents.

1573.

The Assemblies Answer to the Regents Article.

Decision of Questions.

Acts of the Synod of Lothian approved.

Superintendents were subject to the General Assemblée; but the Prelats, that afterward over-ruled, did well provide, that they should have no Assemblies, to censure them.

The Regent craved some learned men of the ministrie to be placed Senators of the Colledge of justice. The Assemblée after reasoning, at length voted, that none was able to bear the said two Charges; and therefore inhibited any Minister to take upon him, to be a Senator in the Colledge of justice, *Mr Robert Pont* only excepted, who was already placed with advice and consent of the Kirk.

The question was moved by the Superintendent of *Lothian*, whether it be lawful by the word of God, that the Administration of the Word and Sacraments; and the Ministration of Criminal and Civil justice, be so confounded, that one Person may occupy both the Charges? Answered, it was neither agreeable with the word of God, nor the practice of the Primitive Kirk.

This Assemblée approved and ratified some articles, penned and subscribed by the Superintendent & Synod of *Lothian*, holden at *Edinburgh* the sixt of October; to wit, that the copie of the Acts of the General Assemblée be given to every Exercise, to the end that every Minister may know, what order to observe in their proceeding: for many errors were committed through ignorance of the said Acts. *Item*, That such things, as fall out betwixt the Synodal Conventions & the General Assemblies, be noted, at every Exercise, twenty dayes before the holding of the General Assemblée, that the brethren may be ripely advised with the same, where through many things may be ended, which through want of advisement suffer delay from Assemblée to Assemblée; at which time it is craved, that the Brethren have their places in voting, and that no Brethren be defrauded of the same; that the weightie matters of the Kirk be not concluded by a few, as oftentimes they are, without knowledge or consent of the Brethren. *Item*, That the extract of the Act of the Superintendent-office, registrat in the Book of Discipline, may be given to the Ministers of every Province, to the end that every Superintendent may be tried thereby, and, as they are found diligent or negligent, may be continued or changed. In these articles, Superintendents are tied to the order set down in the Book of Discipline. Observe also, that the meeting of Brethren, for the Exercise of Prophecyng, had a dealing in the affairs of the Kirk, before that Presbyteries were erected.

The whole Countrey was brought into Obedience, and the chief Lords of the *Queens* faction had subscribed the Articles of Pacification, but the *Laird of Grange* Captain of the Castle, *William Maitlan of Levingtoun* sometime Secreat, his brother the Prior of *Coldinghame*, the *Lord Home* and *Sir Robert Melvine*, stood out, & remained in the Castle of *Edinburgh* for their safety. But with assistance of the English Army and Arillerie, under the conduct of *Sir William Drurie Marshal of Berwick*, those who were within the Castle, were forced to render. The *Laird of Grange* and his Brother were executed at the Crosse of *Edinburgh*. The *Laird of Grange* desired *Mr David Lindsey* to repeat to him *Mr Knox* his words concerning him a little before his departure: which he did, wherewith he was much comforted. He desired *Mr David* to accompany him to the scaffold; and said to him, I hope, when men shall think I am passed & gone, I shall give a token of the as-

rance of Gods mercie to my soul, according to the speach of that man of God. So upon the third of *August* about four afternoon, when he was thrust off the ladder, his face set towards the east; but within a prettie space after, turned about to the west, and so remained hanging with his face against the sun, according to *Mr Knox* his speech. *Mr David* marked, that when all supposed he was dead, he lifted up his hands, which were bound before him, and let them fall down againe softly, which moved him with exclamation to glorifie God before all that were present. *Lethingtoun* poisoned himself, as was thought, to escape farther punishment and ignominie. His body lay so long unburied, that the vermine came from his corps, creeping under the door of the house, where he was layd, viz. in the ground of the steeple of *Leith*.

In the General Assemblie convened at *Edinburgh* the sixt. of *August*, *Mr Alexander Arbutnot* was chosen Moderator.

In the trial of Bishops, Superintendents and Commissioners, *Mr Robert Pont* Commissioner of *Murray* was delated, for his non-residence in *Murray*, for his not visiting the Kirks these two years bygone, except *Inverness*, *Elgine* and *Forreths* &c. He alledged want of leasure: No wonder, for he was suffered to be a Senator in the Colledge of justice. *Alexander* Bishop of *Galloway* was accused, for exhorting the people to rebel against their Sovereigne Lord the King; that he joined with rebels; refused to pray for the King, according to the act of the Assemblie, notwithstanding he was sworne by his solemn oath for due obedience to the King, his Regent and Authoritie; violated his oath, specially by sitting in a pretended Parliament, for dispossessing the King of his royal Crown and Authority, that being one of the pretended privie Councel, after the horrible slaughter of *Matthew Earle of Lennox*, Regent, he gave thanks to God for it publickly in the pulpit, and exhorted the people to do the like, and threatned the like judgment against the rest, comparing ofentimes the King, his Regent and true lieges to *Pharoah* and wicked *Abfolom*; and himself to *Moses* and *David*, whom God will defend. Sundrie other enormities were laid to his charge. He craved the benefite of the act of pacification, agreed upon at *Perth* upon the twentieth third of *Februar*, when the civil wars ended, to the which act the reformed Bishops, Abbots and Priors, having vote in Parliament, condescended in name of the Kirk; and therefore alledged, he could not be compelled to answer for any complaint given in upon him; for maintaining of another Authoritie, or for any thing depending thereupon. This answer was sent by a servant. The Assemblie sent one to the Regent and Councel, to crave their advise, who returning reported, his Grace was willing to observe the heeds of the Pacification; but without prejudice of the Discipline of the Kirk, and satisfaction to be made for all notorious and open slanders. Being againe summoned and not compearing, and in respect his offences were notour, it was concluded, that he should make his publick Repentance in sackcloth three several Sabbath dayes, one in the Kirk of *Edinburgh*, another in *Halyrudhouse*, the third in the *Queens* Colledge. Two brethren were appointed to admonish him in the Assemblies name, to performe the said injunction, and begin the next Lords day in *Edinburgh*, and after in the other two Kirks *Successive*, under the paine of Excommunication.

1573

26. Aft.

A General Assembly.

Trial of Bishops, Superintendents, &c.

The

1574.

A Reader
censured
for &c.Questions
decided.

1674.

27. Aff.

A General
Assemble.Trial of
Superin-
tendents
& Bishops

The Reader of *Dalry* was complained upon by *Mr David Lindsey*, Commissioner of *Kile, Carrick & Cuninghame*, for that being discharged of all ministration of the Lords Supper, he notwithstanding ministred the same after his manner, in the Place of *Kilburnie*, the last Easter. The Assemblie ordained him to make his publick repentance two several Sabbaths, upon the one in *Kilburnie*, and upon the other in *Dalry*: and if he commit the like, that he be deposed; and that this Act strike upon all other Readers, that shall be found guiltie of the like.

Some brethren were appointed to give answer to questions and complaints. The question being moved, whether a Superintendent or Commissioner, with advice of any particular Kirk in their jurisdiction, may dispense with the rigour of sackcloth, prescribed by the Acts of the General Assemblie, and that for a pecunial penaltie, *ad pios usus*? Answered, he may not dispense with the Acts of the General Assemblie.

In the former Assemblie we had only two Bishops, *Sanct Andrews* and *Dunkelden*. In the Assemblie holden at *Edinburgh* the sixt of *March* 1574. We hear of moe added to them, *Glasgow*, *Murray*, *Cathness*. *George Douglas* Bishop of *Murray* was mumbling upon his papers a whole winter; and yet had not his sermon in promptness. *Mr James Boyd* was induced by the *Lord Boyd*, to accept the Bishoprick of *Glasgow*, the gift whereof the said Lord, being familiar with the Earle of *Mortoun*, had purchased for his commoditie. But within a year or two, when he found the Bishop not pliable to his intentions, he caused his son the *Master of Boyd* lease upon the Castle of *Glasgow*, and lift up the rents of the Bishoprick to intertaine it; because the *Tulchane* Bishop caused not the cow give milk enough to My Lord.

Mr John Douglas Bishop of *St Andrews*, being delated for retaining the Rectorie of the Universitie, and Provostrie of the new Colledge, notwithstanding his Bishoprick, Answered, he was content to demit both the one and the other, how soon the Regent and Commissioners should come to *St Andrews* to visite the Colledges: His not visiting of *Fife*, and not preaching in *St Andrews*, the place of his residence, he excused with infirmitie of bodie. Sundrie smiled, when he said, that since he took on the Bishoprick, he was never well disposed. *Mr James Patoun* Bishop of *Dunkelden* confessed his oversight, that he did not execute the sentence of Excommunication against the Earle of *Atholl* and his *Ladie*, both Papists; and therefore was enjoined to confess his fault publickly, in the Cathedral Kirk of *Dunkelden*, upon a sabbath day in time of divine Service, and to report the order of Excommunication and interdiction of it to the Regent, in authentick forme, that order may be taken thereanent. *George* Bishop of *Murray*, delated for fornication committed with N. was ordained to purge himself before the Assemblie. He craved time to advise, till the tenth day of the moneth; but he appeared not. The Assemblie ordained the Superintendent of *Angus*, *Mr George Hay* Commissioner for *Aberdeen* Province, *Mr Alexander Arbuthnot* Principal of the Colledge of *Aberdeen*, *Mr John Craig* Minister of *New-Aberdeen*, to summon the Chapter of *Murray* before them, for giving their testimonial to him, without just trial and due examination of his life, & qualification in literature: Here ye may see what manner of men these new Bishops, brought in by the court, were; and what is the fruit of that Policie, which was agreed upon at *Leith*.

The Superintendents of *Angus*, *Lothian* and *Stratherne* demitted their office of Superintendrie purely and *simpliciter* in the hands of the Assemblie; but the Assemblie continued them. Here ye may see, that Superintendents needed not Deposition or Degradation from their Office, but thought it sufficient to demit, when they would be exonerated of that burden; which they could not have done, in case that office had been of Divine institution.

1574.

Superintendents continued.

The Regent refused to countenance the Assemblie.

This Assemblie appointed two Ministers and two Barons and the Commissioners of *Edinburgh* and *St Johnstown*, to present a supplication to the Regent and Lords of privie Councel, & others of the Estates convened with him, wherein they wish that his Grace & the Lords of privie Councel, would authorize the present Assemblie by their presence, or by others having Commission in their names: and they give this reason, for preservation of the holy Ministrie and Kirk in puritie, the Lord hath appointed Assemblies and Conventions, not only of the persons appointed to the Ministrie, but also of other members of the Kirk; and the Kirk of God hath continually used, and useth the same Assemblies, sanctified by the word of God, & authorized by the presence of Christ. It was also known to his Grace, that since the time God blessed this Countrey with the light of his Evangel, the Kirk appointed, & by act of Parliament it was authorized, that two godly Assemblies of the whole Kirk of this Realme, should be holden every year, as well of other members of all Estates, as of the Ministrie, which Assemblies have been since the first Ordinance continually kept in such sort, that the most Noble and highest Estate have joyned themselves to these Assemblies, as members of one bodie, voting, concurring and authorizing all things therein concluded. Howbeit this Act, whereof mention is made here, be not now to be found among the printed Acts of Parliament, we doubt not, but there was such an Act, otherwayes they would not have appealed to the Regents own knowledge, nor acknowledged it as a known truth. Yet the Regent asked, who gave them power to convocat the Kings Lieges without his advice, who was in Authoritie. The Commissioners held their peace, till at last it pleased God to strengthen one of their number with courage, who answered, we are convened at the Commandment of our Master and Head of the Kirk, Christ Iesus, who hath commanded the members thereof to convene, when it is in any trouble, to set it at rest and quietness, & to purge it of all filth and corruption. Alwayes they got not that answer to their supplication, which they expected.

The Assemblie appointed *James* Bishop of *Glasgow*, the Superintendent of *Angus* and *Mearnes*, *Mr John Winram* Superintendent of *Strathern*, *Mr Robert Pont*, *Mr John Row*, *Mr Robert Maitlan* Dean of *Aberdeen*, *Mr Alexander Arbuthnet* Principal of *Aberdeen* and *John Duncanson* Minister to the Kings house, to convene in *Mr James Lawsons* house, to penne the heeds & articles concerning the Jurisdiction of the Kirk, and thereafter to present the same to the Assemblie, to the effect Resolution may be had from the Regent. In the fifth Session, the Assemblie giveth full power and Commission to the Superintendent of *Angus*, the Superintendent of *Stratherne*, *Mr John Row*, *Mr George Hay*, *Mr David Lindsey* Commissioners of *Galloway*, *Kile*, *Carrick* and *Cunninghame* respective, *Mr Robert Pont*, *Mr James Lawsons* Ministers of *Edinburgh* and *John Duncanson* Minister of the Kings house, to convene with my Lord Regents grace and Lords of secret

Commission for the Jurisdiction of the Kirk.

1674.

The limitation & power of the late erected Bishops.

Council, to confer and reason upon the heeds concerning the Jurisdiction and Policie of the Kirk, and such other heeds and articles, as shall be proponed by his Grace and Council, in name of the Assemblie; & concerning all and sundrie other things, tending to the setting forward of the Glorie of God, maintaining the Preaching of his Word, the Kings Authoritie and Common wealth of the Realme firme and stable &c.

Touching the Jurisdiction of Bishops, in their ecclesiastical function, this Assemblie concluded, that it shall not exceed the Jurisdiction of Superintendents, which heretofore they have had, and presently have, and that they shall be subject to the Discipline of the General Assemblie, as members thereof, as Superintendents have been heretofore in all sorts. This was agreed upon in the articles at *Leith*; but it seemeth, the Bishops have usurped farther, and therefore are reduced againe to this measure, by act of this Assemblie.

This Assemblie concludeth, that no Superintendents, or Commissioners to plant Kirks, shall give Collation of benefices, or admit Ministers, without the assistance of three qualified Ministers of their Province, who also shall give their testimonials to the said Superintendents or Commissioners, subscribed with their hands, in signe of their consents: and in like manner, that no Bishop give collation of any benefice within the bounds of Superintendents, within his Diocie, without their consent and testimonial subscribed with their hands; and that Bishops within their own Diocies visite by themselves, where no Superintendents are, & give no collation of benefices without consent of three well qualified Ministers, as is said of Superintendents, and Commissioners to plant Kirks.

M. A. Melvill returned to Scotland.

Master *Andrew Melvill* returned to *Scotland* in *July*, after he had been ten years absent, and had regented in *Poitiers* and *Geneva* many years. *Beza* in his Letter to the General Assemblie wrote, that the greatest token of affection the Kirk of *Geneva* could shew to *Scotland*, was, that they had suffered themselves to be spoiled of Mr *Andrew Melvill*, that thereby the Kirk of *Scotland* may be enriched. The Regent directed Mr *George Buchanan* and *Alexander Hay* Clerk to the Council, to perswade him to be his domestick Instrueter, to deliver some notes upon the Chapter when it was read, for which service he should be honourable advanced at the first occasion. His intention was to have him & his gifts framed to his purpose, that is, to restrain the freedom of application in Preaching, & the authoritie of General Assemblies; and to bring in conformitie with *England* in the Church Government, without which he thought he could not governe the Countrey to his phantasie, or that agreement could stand long between the two Countreys. First he tryed men of the best gifts at Court; and if he found they would serve his purpose, his intention was to advance them to Bishopricks. Howbeit Master *Andrew* was not acquaint with his intentions; yet was he not willing to serve at Court, but rather to be a Professor in some University.

26. Aff. A General Assemblie.

Trial of Bishops, Superintendents, &c.

The General Assemblie convened at *Edinburgh* the seventh of *August*, *John Duncanson* was chosen Moderator.

In the triall of Bishops, Superintendents and Commissioners, the Bishop of *Glasgow* confessed, he had not exactly done his dutie, alledging for excuse his occupation in the temporal affairs of the Bishoprick. The proceffe of the Dean and Chapter of *Murray*, concerning the election of the

Bishop

Bishop of *Murray* was produced by the Brethren, appointed by the last Assemblie, to try the same, together with their animadversions upon the said proceffe. They ordained, that a citation be directed to summon the said Bishop, Dean & Chapter to the next Assemblie.

It was ordained at this Assemblie, that from hence forth no Minister use or exerce the office of Chamberlanrie or colleatorie, under what som-ever beneficed persons, lest they be abstracted from their Callings, and that the contraveeners be deprived of their office. It was ordained, that Superintendents & Commissioners, that shall be found negligent in their office, not to execute their due Charge in their visitation and teaching, or are culpable in life, shall be punished and censured, according to the qualitie of their offence, either by admonition, publick repentance, deprivation for a time, or deprivation *simpliciter*, as the Assemblie shall think good.

In the General Assemblie holden at *Edinburgh* in the beginning of *March*, some were appointed to hear the Bishop of *Murray's* purgation of the slander lying upon him. Some were appointed to conferre with him upon matters of Religion. The Bishop of *Glasgow* was not able to visite all the Kirks of his Diocie; the bounds were so large: the Assemblie therefore appointed *Mr Patrick Adamson* & *Mr Andrew Hay* to visite certain parts of his bounds, limited to them in their Commission. The elect Bishop of *Dumblane* *Mr Andrew Grabame*, being presented by the Regent to the Chapter of *Dumblane*, the Assemblie desired him to give prooffe of his Doctrine before the Brethren, who should be appointed to hear him. After long reasoning it was concluded, that *Mr Alexander Gordoun* Bishop of *Galloway*, partly upon consideration of his own submission, partly for the Regents request, should confess his offence in presence of the Congregation, convened in the Abbey Kirk, upon the Lords day next to come without sackcloth, without any further.

The Assemblie appointed *Mr Robert Pont* Provest of *Trinitie Colledge*, *Mr Andrew Hay* Commissioner of *Clidsdale*, *Mr Patrick Adamson* Minister at *Pasley*, *Mr John Row* Minister at *St Johnstoun*, *John Duncanson* Minister to the Kings House, *Mr Andrew Melvil* Principal of the Colledge of *Glasgow*, *Mr John Spotswood* Superintendent of *Lothian*, or any two of them, whom it shall please my Lord Regents grace to nominat, to confer with his G. Commissioners, upon the Jurisdiction and Policie of the Kirk, and to bring the Copie of the Conference with them, that all Provinces may have use of the same, that they may be better resolved, when matters come to publick reasoning.

This Assemblie ordained an article to be given- in to them, who wereto reason upon the Policie and Jurisdiction of the Kirk; viz. that a Law be made, that no Bishop be elected to a Bishoprick by the Chapter, before he give a proof of his Doctrine, Life & Conversation; and in the mean time, the Assemblie dischargeth and inhibiteth all Chapters, that they proceed not to the election of any Bishop, as said is, without trial taken before of his Doctrine, Life & Conversation before themselves, & that thereafter he report the testimonial of the Assemblie to the Chapter, that then they may proceed to the election.

Anent the Policie and Jurisdiction of the Kirk, the Assemblie ordained the Brethren, that have travelled and written on this Argument, to

I 574.

Acts:

I 575.

29. Aff.

A General Assemblie.

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1572.

meet in *Mr James Lawsons* Chamber, to conferre their labours, to be presented thereafter to the whole Assemblie: Yet we finde no more of that matter in this Assemblie

By all these Commissions, in this and former Assemblies, & moe then I have cited, to treat upon the Policie and Jurisdiction of the Kirk, we may perceive, that the Policie of the Kirk was not esteemed as yet perfect, and that not only causes, belonging only to the jurisdiction of the Kirk, were not yet clearly distinguished and brought - in to the Kirk; but also that the Policie of the Kirk in other points was not thought as yet perfect.

30. Ass.
A General
Assembly:

Trial of
Bishops,
Superin-
tendents,
&c.

The General Assemblie convened in *Edinburgh* the sixt of *August*, *Mr Robert Pont* was chosen Moderator.

In the trial of Bishops, Superintendents and Commissioners, *John Durie* one of the Ministers of *Edinburgh* protested, that the trial of a Bishop prejudice not the reasons, which he and other Brethren of his minde, had to propone against the office and name of a Bishop. Where as before, since the articles concluded at *Leith*, they were only censuring faults and abuses, in their Persons and exercise of their calling, now they begin to strike at the root of the tree it self, even at the very office of a Bishop.

The Bishop of *Dunkelden* was presently suspended from his office, for not excommunicating the *Earle of Atholl*. *Alexander* Bishop of *Galloway* presented the order of his satisfaction, wherewith the Assemblie was satisfied. He is suffered to preach, but standeth still suspended from the Commission of visitation, and exhorted notwithstanding to concur & assist the Commissioner of *Galloway*, in his visitation, for keeping good order & discipline within these bounds.

Articles to
the Regent

Commission was given to present some articles to the Regent, and in special this, that all dayes, which heretofore have been kepted holy, beside the Sabbath day, such as Yule-day, Saints-dayes & such other, may be abolished, and a civil penaltie appointed against the keepers thereof by Ceremonies, Banquettings, Playing, Feasting, and other like Vanities.

Commis-
sioners for
Courtneys
changed:

It appeared to some of the Brethren, that the long continuance of Commissioners in their offices, would breed ambition and inconveniences, therefore it was thought a matter to be consulted upon, whether it was expedient, that Commissioners of Provinces should be changed from year to year, from the countreys (that is, Provinces) where they travel, to other Provinces? After reasoning, at length the greatest part of the Assemblie thought good, where able men might be had, that a yearly change be made. Some Commissioners were continued in their offices *respectively*. Since the death of Bishop *Douglas*, *Mr John Winrame* is stiled Superintendent of *Fife*, which was his old stile.

Decision
of ques-
tions.

Among the questions which were decided, it was asked, whether the Kirk by the law of God hath power to cognosce & decerne upon *Heresies*, *Witchcraft*, *Blaspheming of the Name of God*, *Violation of the Sabbath*; specially upon the *quiddity*; or whether the Criminal Judge shall give sentence, before the Spiritual decerne upon the *quidditie*? It was answered, the Kirk may decerne upon such things, not prejudging the punishment of the civil Magistrate.

Commis-
sion to rea-
son upon
the Office
of Bishops.

Anent the question proponed by certain Brethren, whether the Bishops, as they are now in *Scotland*, have their function from the word of

God or not; or if the Chapters, ordained for the creating of them, ought to be tollerat in this reformed Kirk? The Assemblie appointed their beloved Brethren *Mr John Craig* Minister at *Aberdeen*, *Mr James Lawson* Minister at *Edinburgh*, *Mr Andrew Melvin* Principal of the Colledge of *Glasgow*, on the one part; *Mr George Hay* Commissioner of *Cathness*, *Mr John Row* Minister at *Perth*, *Mr David Lindsey* Minister at *Leith*, on the other part, to convene, reason and conferre upon the said question, and to report their judgment thereupon, if they be resolved, between and the dissolving of the Assemblie.

In the sixth Session, the Brethren appointed to reason and confer upon the function of Bishops, as they are now in this Realme, & of the Chapter appointed for the creating of them, & to report their judgment to the Assemblie, gave in their opinions, as after followeth in writ, viz. They think it not expedient presently to answer directly to this question: But if any Bishop be chosen, who hath not such qualities, as the word of God requireth, let him be tried by the Generall Assemblie *de novo*; and so deposed, if there be cause.

Their
Judgment
reported.

*The Points vvherein they agree, concerning the Office
of a Bishop or Superintendent.*

First, the name of Bishop is common to every one, that hath a particular flock, over which he hath a peculiar charge, as well to Preach the Word, as to minister the Sacraments, and to execute ecclesiastical Discipline with consent of his Elders; & this is his chief function by the word of God.

Moreover, out of the number some may be chosen to have power to oversee and visite such reasonable bounds, besides his owne flock, as the General Assemblie shall appoint; and in these bounds to appoint Ministers, with consent of the Ministers of that Province, and the consent of the flock, to whom they shall be appointed; as also to appoint Elders and Deacons in every particular Congregation, where there is none, with consent of the people thereof; & to suspend Ministers for reasonable causes, with consent of the Ministers foresaid.

It seemeth, that by reason of the Regents authoritie, who was bent upon the course, whereof he was the chief Instrument, that they answered not directly to the question at this time: Yet they agree upon such points as overthrow the authoritie and power of a Bishop, and maketh him only a President or Moderator in effect. Next, ye see they strike not only at the office of a Bishop, but also of a Superintendent; for the great affinity that is betwixt them. And indeed by process of time, the like inconveniences would have followed upon the office of Superintendents, if it had continued, as was like to follow upon the office of Bishops. And ye may see in the Assemblies preceeding, notwithstanding of the continual trial of the General Assemblies, how often complaints have been made upon them; and that Superintendents had not the state and pomp of Bishops, or vote in Parliament, Convention, Council or Session; & if General Assemblies had not convened frequently, to order the common affairs of the Kirk, and keep in order Superintendents, Commissioners, or the present Bishops, the Gospel could not have been continued nor flourished, as it did.

1576.

A General
Assemblee.Trial of
Bishops,
&c.

The General Assemblee convened at *Edinburgh* the twenty fourth of *Aprile*, *Mr John Row* Minister at *Perth* was chosen Moderator.

The Bishop of *Glasgow* was delated for not teaching in the Town of *Glasgow*, since his entrie to the Bishoprick, and for preaching rarely any where; and for having no particular flock. He answered to the first, that preaching is the great gift of God, which is not equallie bestowed upon all, and excused himself, that he was not so able, nor so liberallie doted with understanding, as others; yet that he preached, specially at *Govan* & other Kirks; and was willing to do his dutie. To the other point, that he received no particular flock, at the entrie to his office, nor no question was then moved thereupon: but if the Assemblee think it good, that he shall be astricted to a particular flock, he shall either obey the ordinance of the Assemblee, or give place to others. Being required by the Moderator, to render his Commission of visitation in the hands of the Assemblee: He answered not directly, but only that he would do reason. But after he was removed and called-in againe, he answered, if the Assemblee findeth, that the Commission which he hath, should endure only from year to year, he is content with the censure of the Assemblee. The Superintendent of *Lothian* confessed his offence, in that he had inaugurat *Mr Alexander Hepburne* elect of *Ross*, in the Abbay of *Halyrudhouse*, being admonished by the Brethren not to do it. The Bishops of *Dumblane* and *Ross* condescended likewise to demit the Commission of visitation, which they had of the Assemblee. *Mr James Patoun* Bishop of *Dunkelden* being demanded, what he had done since the last Assemblee for reparing of the tack made to the *Earle of Argile*. All his defences being heard and considered, the Assemblee for the most part resolved, that he had contraveened the act made *March 1570*. Against diminishing of the rents and fruits of benefices, and had incurred the penalty of it, to wit, Deprivation from his office, and that which he hath of the Kirk thereby, so far as lyeth in their power, for ever. He appealeth from their sentence, *Verbo*, to the Lords of Parliament. The Assemblee directed *Mr David Lindsey* and *Mr Patrick Adamson* to informe the Regent of their proceedings. They returned with this answer, that he could finde no fault, that the Kirk had proceeded against him, and deprived him worthily for his offences: Yet it was his desire, that a set policie, & universal order be established in the Kirk, for such & other like proceedings; and to that effect, that such things as were penned in the last Conference upon that argument be revised and seen; or that with some of the Councel, if the heeds before misliked them, they should set down & penne other heeds; or else themselves set down & devise the said Policie, to be presented to his G. that lawes may passe thereupon. In the mean time, in case of the said Bishops complaint upon the Kirk to the Councel, that some of the learned be deputed by the Assemblee, to attend upon the Councel, and to reason the matter. In this answer, ye may see, the Regent giveth the Assemblee their option; whether they will agree to the heeds concerning the Policie penned in the last Conference, or if with some of the Councel they will make other heeds, or devise and set down the heeds themselves, & presente them, that lawes may passe thereupon.

In the seventh Session, the Bishop of *Murray* was ordained to give a proof of his doctrine in the next Provincial Assemblee, which was to be

holden at *Aberdeen*. *Mr John Craig*, and *Mr Alexander Arbuthnot* were appointed to report their judgment to the next Assembly.

Because the great and intollerable burden lying to the charge of Bishops Superintendents, and Commissioners of Countreyes, is and hath been the cause, that all the Kirks within their bounds could not be duely overseen, and consequently good Discipline was not exerced within the same for lack of Visitation; therefore it was thought meet, that such bounds be appointed to every Commissioner and Visiter, as may be duely visited and overseen by every one of them. To that effect they appointed the Commissioners of Shires and Provinces and others joined to them, to convene at extraordinarie hours, to make a proper division of the whole bounds of the Realme, and to give in writ their judgment, how every bounds may be best visited. This was done, and the Assembly appointed one, two, three, or four for the limited bound, as they thought expedient.

The Brethren appointed to advise upon the Power and Jurisdiction, which should be given by the Assembly to the Visiters, gave their advise as follows.

Articles concerning the Office of Visiters.

That he call the rest of the Ministers together within the bounds of his Visitation; hold Synodal Assemblies, and be Moderator there; try Ministers, and have the oversight of Schooles; and that he be tried by this Assembly, propone matters that are to be consulted upon, gather the votes, and declare what is found by votes; he shall have the oversight of all particular Kirks within the bounds of his Visitation, and of the Ministrie thereof, to see that every one of the Ministers exercise their own vocation vigilantly in their own Congregations, & in the bounds of his Visitation to appoint Ministers, with advice of the Ministers of the Province, assembled in the Provincial Assembly, at the least six of the best learned within his bounds, or, that failing, of the next adjacent, to be chosen in the Synodal Assembly, with consent of the people, to whom he shall be appointed Minister; and that because the power standeth not in the Visiter, but in the Kirk. As to the Suspension or Deposition of any Minister from his office, the same shall be done by the Visiter and Ministrie in the said Synodal Assemblies, the cause being there tried, particular intimation being made to his particular Congregation to be present, except some urgent cause occurre, making it necessary to do the same with short advise, as if the Minister commit some notorious crime, whereby he cannot longer be detained in his office; in which case the Visiter may convene them, that are upon the Exercise in that Province, and they with him, and the Session of the particular Kirk, shall proceed to Suspension, after lawful trial of the offence. Upon the presentations of Patrons to the Visiter, he, with consent of the Synodal Assembly of his Province, shall give Letters testimonial to him that is presented, lawful impediments being taken away, at least with advice of six Ministers within his bounds, or, that failing, of the next adjacent, to be chosen in the Synodal Assembly, providing alway, that the consent of the flock, where he shall be appointed, be had, or els a reasonable cause be shewed by them wherefore not. And in case he hath been

a Minister

1576.

The
bounds &
Power of
Visiters.

1576.

The Bre-
threns
judgments
approved
concern-
ing Bi-
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a Minister before, that he receive his Letters testimonials upon the presentation, with advice of the Ministers of the Exercise (within that Province, and that none give Collation of any benefice, without the bounds committed to him by Commission from the Kirk. That all Ministers be admonished not to proceed unadvisedly to Excommunication; & if difficultie arise thereanent, that the Visiter and the rest of the Countrey be advised with; & likewise anent Absolution. Where there is not *ecclesia bene constituta*, that he travel to constitute. That he take heed to the keeping of the Exercise; repairing of Kirks, Kirk-yards, designation of Manes, Gleibes & all other charges, pertaining *ad decorum Ecclesie*, and granted to the Kirk by the Lawes of the Countrey.

Anent the advice and opinion of the Brethren given in the last Assemblie, concerning the question moved, whether Bishops, as they are now in *Scotland*, have their function out of the Word of God? The Assemblie for the greatest part, after reasoning & disputation at length upon every article of the said Brethrens opinion and advice, approved the same in every article, as the same is given in by them; the tenor whereof here followeth.

First, the name of Bishop is common to every one, that hath a particular flock, over which he hath a peculiar charge &c. *ut supra*.

And to the effect the said articles, condescended unto by the said Assemblie, may be the better followed, and readie execution ensue thereupon, as appertaineth, the Bishops, who have not as yet received the charge of a particular Congregation, are ordained to condescend to morrow, what particular flocks they would accept to take the cure of. Here ye see, that Bishops are now appointed to take the charge of a particular flock; and consequently are no longer Bishops. That they are no more but Visiters of other flocks; that this office of Visitation is qualified and bounded with sundrie caveats and conditions; that the meeting of the Brethren for the Exercise of Prophesying have their interest in the affairs of the Kirk, before the Presbyteries were constituted and erected.

The Bi-
shop of
Glasgow
urged to
accept a
particular
flock.

The Bishop of *Glasgow* being asked, if he would accept a particular flock, gave in his answer in writ, that he was content to travel in some parish Kirk, till the next Assemblie, at such times as his leasure and other necessary affairs would permit, providing he be not astricted to the said Congregation, and at the next Assemblie he shall give his answer; and if he accept, that the same be in his own option; and that he must have another to assist him in the cure of the said flock, because of his Visitations and other Charges; and also that he be not secluded from his accustomed office in the rest of the parts of his Diocie, and service of the King, conforme to his first admission. The Assemblie continued him in his office of Visitation of the bounds, which he had before, till the next Assemblie. The Bishop of *Rosse* had assigned to him for his particular Kirk, with his own consent, the Channonrie of *Ross*. The Kirk of *Dumblane* was assigned to the Bishop of *Dumblane* with his own consent.

Decision
of Questi-
ons.

In deciding of the questions, it being demanded by *Mr Andrew Hay* Parson of *Ranfrow*, if every Visiter within his own bounds hath like power and Jurisdiction to plant Ministers, Suspend or Depose for reasonable causes? The Assemblie answered *affirmative*, that they have a like Power and Jurisdiction thereanent, as is contained in the particular articles pre-

mitted

mitted concerning the Jurisdiction of the Visitors. Here ye see, they, who had the title of Bishopricks, had no greater power in the bounds limited unto them, than other Visitors had in theirs.

For making an overture for the Policie and Jurisdiction of the Kirk, & uttering the simple & plaine meaning of the Assemblie therein, the Assemblie present moved and requested their Brethren underwritten, to travel and take pains, to reason and contere upon the heeds of the said argument, and to deliberate gravely and circumspectly thereupon; that they may report their opinions advisedly to the next General Assemblie: for the West Countrey, the Bishop of Glasgow, *Mr Andrew Melvill*, *Mr Andrew Hay*, *Mr James Greg*, *Mr David Cunninghame*: for Lothian, *Mr Robert Pont*, *Mr James Lowson*, *Mr David Lindsay*, *Mr Clement Little*, *Mr Alexander Simme*: For Fife, the Superintendent of Fife, with the principal Masters of the Univerfity: For Mearnes and Angus, the Laird of Dunne, *William Christifone*, *Mr John Row*, *Mr William Rind*, *John Duncansone*: for Aberdeen, *Mr John Craig*, *Mr Alexander Arbuthnet*, *Mr George Hay*; and these Persons to convene in the places following, to wit, the Brethren of the West, in Glasgow; of Lothian, in Edinburgh; of Angus, in Montrose; of Fife, in St Andrews, the first Tuesday of June next to come, to conferre & advise upon the said matter, and to have a general meeting or convention of two, or one at the least, of each company above written, in Stirling the last day of July, to communicat and cognosce upon the whole travels and labours taken therein, and to conferre together thereupon, and to report what they have found and conceived in the said matter, to the next Assemblie, which is appointed to be holden in Edinburgh upon the twenty fourth of October next to come, in case there be no Parliament; and in case of a Parliament, the Assemblie ordains the Ministers of Edinburgh, to make intimation thereof to the Bishops, Superintendents and Visitors of Countreys, that the Assemblie may be convened four dayes before the said Parliament; and that the Barons and Gentlemen be exhorted to be present with the Commissioners to be appointed at Provincial Assemblies.

Here ye see, the policie of the Kirk was not perfected and established rashly, but deliberately; and the most learned in the Countrey appointed to conferre upon the heeds of it, for a preparation to the next General Assembly. Our Kirk hath not had worthier men since, and of better gifts, then these above named. In the mean time, thus far have they already agreed upon in the Assemblie, that the name of a Bishop is common to all Pastors, and that every one ought to have a particular flock and charge; that a Minister may have, beside his own particular charge, visitation of other flocks; not by his proper office, but by commission, which is bounded and qualified, as ye have heard. And thirdly, that Bishops, Superintendents and Visitors, are in effect all but Visitors, and of equal power or preeminence for the time: and yet even this power of Visitation was not thought necessarie, where the Kirk was well constituted, as ye shall see in the own place.

The Brethren of the west, appointed by the Assemblie to conferre upon the heeds of Policie, convened at Glasgow, in *Mr David Cunninghames* house, then Subdean of Glasgow and Dean of Faculties, a man of good account at that time. None was so frank in the cause against Bishops as he. He moderated the reasoning, gathered up the conclusions, and

1576.

Commis-
sion to con-
ferre upon
the Policie
of the Kirk

The Con-
ference in
the West.

1576.

Mr A. Mel-
vin solicit-
ed by the
Regent.

32.th Aft.
A General
Assembly.

Mr Patrick
Adamson
presented
to the Bi-
shoprick
called in
question.

put all in writ and order, to be reported to the Assemblée. But such was the sagacitie of *Mr Andrew Melvill*, that he deemed, that neither he nor *Mr Patrick Adamson* would prove friends to the cause to the end; and so it proved indeed. *Mr Patrick*, after he had insinuated himself in the favour of the Ministers of *Edinburgh* and *Mr Andrew Melvin*, left *Pasley* and went to Court, where he became Minister to the Regent, which was a step to a Bishoprick in these times.

About this time the Parsonage of *Govan* beside *Glasgow*, a benefice of twenty four Chalders of victual, is offered by the Regent to *Mr Andrew Melvine*; providing he would not insist in the course against Bishops, but all in vaine.

The General Assemblée convened at *Edinburgh* the twenty fourth of *October*, *Mr John Craig* Minister of *Aberdeen* was chosen Moderator.

The Bishop of *Murray* and his Chapter were to be summoned by ordinance of this Assemblée, to produce the process of his admission, and to hear trial taken therein, the second day of the next Assemblée, with certification if they compeared not, the same shall be declared null and void in it self. *James* Bishop of *Glasgow* being required to give his answer, if he will accept the charge of a particular flock, and visitation of such bounds, as the Assemblée shall appoint to him, conforme to the articles concluded in the Assemblée, he exhibited his answer in writ, wherein he alledged, that he had entred conforme to the articles agreed upon at *Leith*, and if he should change or alter any thing pertaining to the order, manner, priviledges or power of his Bishoprick, he was afraid to incurre perjurie, & might be called before the Kings Majestie, for changing of a member of his Estate: yet he is content to haunt to a particular flock, when he dwelles in the shierisdome of *Air*, at the discretion and sight of the Brethren in that Countrey; and when he is in *Glasgow*, at the discretion of the Brethren there, and to submit himself to their judgment concerning his diligence in that behalf: but without binding himself any way, or prejudging the power of Jurisdiction, which he received with the said Bishoprick, till the time prescribed in the said conference at *Leith*, viz. that further order be taken by the whole Estates thereunto. Howbeit the Assemblée might have refused his allegations, in respect that conference at *Leith* was not approved by the Assemblies following, but referred to farther consideration and trial; and the Brethren, who were at the same conference; protested with the Assemblée, that they would presse for remedie of such things, as they misliked, when time and occasion should serve, and his oath of homage to the king was not called in question. Yet the Assemblée continued him in Visitation of the bounds, which he had before, till the next Assemblée. And as to the particular flock, the Assemblée is content, he take the care of a particular flock after the manner mentioned in his answer, until the next General Assemblée.

In the first Session of this Assemblée, some Brethren proponed, that seeing the Regent hath presented *Mr Patrick Adamson* to the Bishoprick of *St Andrews*, that he might be tried before them; seeing by the Ordinance of the Assemblée, Bishops should be tried before the Assemblée, before they be admitted by the Chapter. In the seventh Session, the Brethren of the Chapter desired the Assemblée to proceed to his trial conforme to their Act. *Mr Patrick* being present, and inquired, if

he would submit himself to the trial and examination of the Assemblie, and receive the Office of a Bishop, according to the Injunctions and conditions registred in their Books; he answered, he could not. By appearance he pretended the Regents countremand.

Foras much as the Assemblie preceeding had given Commission to some Brethren, to consult upon the matter of the Policie of the Kirk, and to report their judgment, set down formally in writ, to this Assemblie, wherein some paines had been taken by the Brethren, and something penned, it is thought good by the Assemblie, that such things, as are already penned, be revised and considered; & other things, which shall be presently given-in, sighted and considered, & put in good forme and order: And to that effect the Assemblie requests my Lord Chancellour, the Laird of Lundie, Mr Andrew Hay, Mr Andrew Melvins, James Lawsons, John Durie, Mr Robert Pont, Mr James Wilkie Rector of the Universitie in St Andrews, Mr John Row, Mr George Hay, Mr Clement Little, to convene ever y day afternoobn, at such hours as they can agree upon, to conferre upon the things already penned, and others which shall be given-in, advise thereupon, collect together in good forme, and present the same to the Assemblie before the dissolving thereof.

In the fifth Session, Alexander Hay Clerk to the secret Council presented certain questions, whereof he craved decision for the better expedition of the Policie, declaring it to be my Lord Regent's will, that at least so many, as may conveniently, may be solved; and that others of greater importance and difficultie be reserved to a better opportunitie. The Heeds of Policie had been agreed upon before the end of this Assemblie, if these questions had not been moved by the Regent, not without instigation of Mr Patrick Adamsons. The questions are not extant in the Register.

In the sixt Session, for the better solution of the questions given-in by Alexander Hay Clerk to the secret Council, and expedition of the matter of the Policie, the Assemblie and Commissioners present nominated, and ordained their beloved Brethren, Mr John Craig, William Christison, Mr George Hay, John Duncansons, Mr Andrew Melvin, Mr James Melvin, Mr Andrew Hay, Mr David Cunninghame, Mr John Row, Mr James Greg, Mr James Lawsons, Mr David Lindsey, Mr Robert Pont, David Fergusons, Mr Robert Hamilton, Mr John Robertsone, John Areskeen of Dunne one of the Visiters of Angus and Mearnes, if he be present, to convene the next day after the dissolving of this Assemblie, consider the heeds of Policie, advise and consult diligently thereupon, and upon the said questions, and to report their judgments thereupon, conceived formally in writ, to the next Assemblie.

Because of the multitude of the Bookes of the Commissioners, which are to be tried in the General Assemblie, and the large time spent thereupon, and such others, as are deputed thereto, know not the proceedings of the said Commission, so well as their Synod. Assemblies: therefore it is ordained, that the Bookes of Visiters or Commissioners be tried and sighted in their Synodal Assemblies, and subscribed by the Clerks thereof & by the most part of the said Assemblies, & reported againe to each General Assemblie by Commissioners, that the Assemblies may consider their diligence in their offices.

1576.

Commission to revise the travels of the Brethren upon the Policie.

Questions proposed by the Regent concerning the Policie.

An Act for revising the Books of the Commissioners.

I 576.

An Act for
keeping
the exer-
cise.

For as much as the dishaunting and intermission of the Exercise, almost every where, was much lamented: therefore the Assemblie ordained, that all Ministers and Readers within eight miles, or otherwayes at the good discretion of the Visiter, shall resort to the place of Exercise, each day of Exercise, and namely the Ministers, that should Prophezie and Adde, wherein if either of them two fail, that for the first fault, they shall confesse their offence upon their knees, in presence of the Brethren of the Exercise; for the second, that they make the like submission before the Synodal Assemblies; for the third, that they be summoned before the General Assemblie, and receive censure for their offences: for the fourth, that they be Deprived of their office.

I 577.

33. Ass.

A General
Assemblie.The Mo-
derator's
Assessors.Proceed-
ings against
Mr Patrick
Adamson.The Bi-
shop of
Glasgow
agreeth to
accept a
particular
flock.The travels
of the Bre-
thren con-
cerning the
Policie
considered
and agreed
upon.

The General Assemblie convened at *Edinburgh*, the first of *Aprill*, *Mr Alexander Arbuthnot*, Principal of *Aberdeen Colledge*, was chosen Moderator. Because he was not made acquaint with the reference of the last Assemblie, by reason of his absence, the Assemblie appointed their beloved Brethren, the *Laird of Dunne*, *Mr James Law-son*, *Mr Robert Pont*, *Mr David Lindsay*, *Mr Andrew Hay*, *Mr John Craig*, *Mr Andrew Melvine*, to concur with him at seven hours in the morning, to conferre & advise upon such things, as shall be thought good to be treated in this Assemblie. The order began upon this occasion, as ye see, which was continued after; but in end proved hurtful and prejudicial to the publick proceedings of the Assemblie.

Touching the accusation led against *Mr Patrick Adamson*, called Bishop of *St Andrews*, that he had entered in the said Bishoprick, contrary to the Acts and Ordinances of the General Assemblie; and usurped the office of Visitation within the bounds of *Fife*, unauthorized by Commission or Power from the Assembly, and left his ordinarie Office of the Ministrie; the General Assemblie, in respect of his absence, giveth power and commission to their Brethren, *Mr Robert Pont*, *Mr James Law-son*, *David Fergusone*, and the Superintendent of *Fife* conjunctly; and in case of the said Superintendent his inability, *Mr David Lindsay* and *John Brand*, to direct summons out against the said *Mr Patrick*, to compare before them at such day or dayes, as they shall think good, within the Town of *Edinburgh*, to try and examine his entrie to the said Bishoprick, the usurpation of the Office of Visitation, & deserting of his ordinarie Office in the Ministrie, with power also to summon the Chapter of *St Andrews*, or so many of the Chapter, as shall seem to them expedient, if need require, and the Ordainers or Inaugurators of the said *Mr Patrick*, as they shall think good for the better trial of the premisses; and what herein they finde after trial, to report againe to the next General Assemblie, and in the meane time, in name of the Assemblie to discharge him of further Visitation of the said bounds, till he be admitted by an Assemblie.

It was found, that the Bishop of *Glasgow* had done, as he had promised in the last Assemblie; yer the Assemblie required, that he would accept a particular flock in time coming, conforme to the Order and Acts of the Assembly; whereunto he agreed willingly.

For as much as the chief and principal Argument to be treated and reasoned upon in this General Convention, is the Policie of the Kirk, referred by the last Assemblie, to be treated and disputed at this; the Brethren, deputed to the conceiving and forming the Heeds thereof, being desirous to give an account of their diligence, presented the Heeds of the

Policie

Policie, as they had made partition of the same at their Assemblée at *Stirling*, with their judgment of the labours of the whole Brethren taken therein. Thereafter were presented the Heeds; penned by Mr *John Row* & Mr *James Lawvone*, which were read, and nothing was opposed, except that one of the said Mr *John* his articles was referred to farther disputation; all men being required, that had any reason or argument to propose in the contrary, to alledge the same; or if they would not reason publicly upon the said Heed, to resort to the said Commissioners, and paines should be taken to satisfie them; and liberty also is left unto them, before the Heeds be collected and ordered in one bodie, to move argument, as they think good, against the same. The Heed given to the Laird of *Dunne*, conforme to the order of distribution foresaid, being in his judgment obscure, the Assemblée desired him to conferre with the rest of the Commissioners, to the effect he may be resolved of the meaning thereof. It was thought good, the remanent Heeds penned by the Commissioners, being prolix, should be contracted in short Propositions and Conclusions, to be presented to publick reading thereafter. The Heed committed to Mr *Andrew Hay* was read in audience of the Assemblée, in the second Session: nothing was opposed against the same, only the Article, touching suspension of Ministers, was referred to further reasoning. The part of the Policie given to *David Fergusone*, was read likewise; the eighteen Article was referred, and nothing opposed to any of the rest. Nothing was alledged against the Heeds given to Mr *Andrew Melvine*, Mr *Robert Pont*, Mr *David Lindsay*. It was desired, that something in the Heeds committed to Mr *Craig* should be contracted, and others referred to farther reasoning. The whole travels of the Brethren taken upon the matter and argument of the Policie, being read in the publick audience of the Assemblée in the third Session, it was thought expedient, that their whole travels in this work, which were now dispersed, be revised and perused by some Brethren, digested and composed in some good and convenient order, to be thereafter presented to the Assemblée. And for that effect, the Assemblée appointed their Brethren Mr *James Lawvone*, Mr *Andrew Melvine*, Mr *John Craig*, Mr *George Hay*, to convene together, till the matter be brought to an end: and in the meane time, if it pleased any man to reason upon the matter, that they have access to them. In the sixth Session it was thought expedient, that some of the Brethren should be directed to the *Regents G.* to informe him, that the Assemblée is travelling in the matter and argument of Policie, and that his *G.* shall receive advertisement of any further proceeding, before the end of the Assemblée: But because sundrie inconveniences may fall out before the same be perfected, to desire, that it would please his *G.* to consider the same, and provide remedie. For this effect were directed from the Assembly Mr *David Lindsey* and *John Duncansone*. They reported, his *G.* liked well of their travels and labours taken in that matter, and required expedition and haste. As for the particulars, (said he) let them be given in, & they shall receive a good answer. The particulars were directed with some Commissioners in the eighth Session, but they received a slender answer. The particulars seeme to be some of these Articles, which are registred in this Assembly, viz. that provision may be made for Visters of Countreys; that order be taken, that persons deprived by the Kirk, may be deprived of their benefices, or that order be put to such as re-

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ceive benefices, and thereafter coupe them; that vacant benefices be disposed rather to such, as have served at the Kirks, where they lye, then to others not so well qualified; that the Act of Parliament made against Adulterers, may be put in execution; that the playes of *Robinehood*, *King of May*, and such others on the Sabbath day, be discharged; that seing sundrie Readers are not entred in the Book of Assignment; partly through want of Commissioners, partly through their negligence, remedie may be provided. In the tenth Session, the Brethren appoited to collect the heeds of the Policie, presented before, reported the same collected in order, and digested in one bodie. All who had any reason or argument in the contrare, were required to propone the same. Three heeds were called in doubt by some, one *de Diaconatu*, another *de Jure Patronatus*, the third *de Divortiiis*, wherein they were not resolved nor satisfied. As to the rest there was no opposition. These three heeds standing in controversie, being publickly disputed and reasoned *in utramque partem*, yet further disputation was reserved to the day following, that any man, if he pleased, might reason against the said heeds. Because the matter of the Policie of the Kirk, collected by the Brethren, is not yet in such perfect forme, as is requisite; and sundrie things are largely treated, which would be summarily set down; some others require dilatation, for putting the same in good order and forme, and for avoiding of superfluitie on the one part, and obscuritie on the other, the substance being kept, the Assemblie willed their beloved Brethren *Mr Robert Pont* and *Mr James Lawsons*, to take travel and paines in the premisses. And to the effect the work may be the better perfected, and in readines against the next General Assemblie, which was appoited to begin at *Edinburgh* the twenty fifth of *October* next to come, the Assemblie ordained their brethren, the *Laird of Dunne*, *Mr Alexander Arbuthnet*, *Mr Andrew Melvine*, *Mr John Craig*, *Mr Andrew Hay*, *Mr George Hay*, *Mr John Row*, *Mr David Lindsey*, *John Ducansone*, to convene together, the nineteenth of *October*, next in *Edinburgh*, to revise and consider the travels of their Brethren, that the same may be the more advisedly proponed publickly, as said is. In the meane time, that such as shall please to reason the matter, have access to the said Brethren. And likewise ordained the Visiters of Countreys to make intimation to the Barons, that the said work is in hand, and to desire their presence and concurrence.

Here ye may see, what paines were taken upon the Book of Policie & how that the Estate of Bishops and Superintendents was removed, not by guesse or temerariouly, but with great deliberation, and after disputation and reasoning at length, not only in several conferences of the most learned within the Realme, but also publickly in Assemblies, and not in one Assemblie only, but in many: Whereas the Episcopal Government was established in one Assemblie, without reasoning or libertie to protest. Here was no bribrie, nor moyen of Court. Here ye see, they have already agreed upon all the heeds of the Policie, except the three above specified, which were referred to farther disputation and reasoning, so long as the work was not perfectly digested in order.

In the decision of questions it being asked, what shall be done to Ministers and Readers, that in *Lent*, or upon Saints Dayes, as they call them, or at *Tule* and *Pasch*, and such superstitious times, Read, Preach or minister the Communion, to retaine the people in blindness?

Questions
decided.

was answered, that the Visiter with advice of the Synodal Assemblie, ought to admonish such Ministers or Readers, to desist and abstaine under the paine of deprivation; and if they disobey, to deprive them.

In the end of this Assemblie a fast was appointed to be kept universally throughout all the Kirks of the Realme, to begin the Lords day the ninth of June, and to continue till the next Lords day, and between the two dayes, the exercise of preaching to be used according to the accustomed order; and that intimation be made hereof by the Commissioners of Countreys to the Ministers within their bounds. The causes of the fast: 1. Iniquity overflowing the whole face of the Countrey. 2. The Perillous stormes and persecution daily invading the Kirk in France and elsewhere. 3. For the work of establishing perfect order and Policie within this Kirk, which is presently in hands, that it may have a good successe.

The General Assemblie convened at *Edinburgh* upon the twenty fift of *October*. Mr *David Lindsey* Minister at *Leith* was chosen Moderator:

It is thought good, that the Acts, agreed upon in the Assemblie, be considered by the said Brethren, and thereafter read in open Assemblie.

Forasmuch as the heeds, concerning the Policie and Jurisdiction of the Kirk, being read in audience of the whole Assemblie, and that it was thought good and expedient, that the same should be presented to my Lord *Regents G.* as agreed upon after reasoning by the Brethren, saving the heed *de Diaconatu*, which is ordained to be given in with a note, that the same is agreed upon by the most part of the said Assemblie, without prejudice of further reasoning, to the effect the said heeds may be put in mundo, disposed, & set in good order, according to the minde of the Assemblie; the Assembly hath willed their Brethren, Mr *James Lawsons*, Mr *Robert Pont*, Mr *David Lindsey* and the Clerk of the Assemblie, to travel with diligence therein, and the same being put in mundo by them according to the Original, to be seen and revised by their Brethren, *John Duncansone*, *David Fergusone*, the Laird of *Dunne*, if he be present, Mr *James Carmichael* and *John Brand*, and being found by them to be according to the Original, to be presented by the said Mr *James Lawsons*, Mr *Robert Pont* and Mr *David Lindsey*, together with the supplication, penned and delivered to them by the Assemblie, to my Lord *Regents G.* and in case conference and reasoning be sought by his G. upon the said Heeds presented to him, the Assemblie ordained their Brethren underwritten, *Videlicet*, Mr *Patrick Adamsons*, the Laird of *Dunne*, Mr *John Craig*, Mr *John Row*, Mr *Alexander Arbutnot*, Mr *Andrew Melvine*, Mr *James Lawsons*, Mr *Robert Pont*, Mr *David Lindsey*, Mr *Andrew Hay*, Mr *George Hoy* and *John Duncansone*, to concur and attend upon the said conference, as they shall be advertised by his G.

Here ye see, all the Heeds of the book of Policie were now agreed upon, except the heed *de diaconatu*; which was also agreed upon by the most part of the Assemblie. Here also ye see Mr *Patrick Adamsons* one of the number, that is appointed to reason for the book of policie; whereby ye may perceive, that he assented with the rest.

Master *Beza* about this time set forth his discourse of three sorts of Bishops, *Divine*, *Humane* & *Satanical*, together with an answer to some questions sent to him by my Lord *Glaucus* Chancellour, who craved his

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A Fast appointed.

34. Aft.
A General Assembly.Commis-
sion to di-
gest in or-
der the
Heeds of
Policie.

1578.

Mr Beza's
treatise of
the three-
fold Bi-
shoprick.

judgment

1578.

The Earle
of Mor-
toun Re-
gent re-
signeth his
Authority

judgment in the chief points of the policie, which now were in hand. In this discourse he is plaine, that unless the root of Humane Episcopacie be pulled up, it will come to passe, that the same fruit will sprout and bud forth againe, to wit, the Satanical and Develish Episcopacie.

While the Ministers were endeavouring earnestly for the furtherance of the Book of Policie, the *Regent* was often required to give his presence to the Assemblies, for furtherance of the work; but he refused, yet threatened some of the most zealous of the Ministrie. He misliked General Assemblies, and would have had the name changed, that he might enervate the force and priviledge of them. He could not endure the free and open rebuke of sin in the pulpit. He ever resisted the work of Policie, which was in hand, because it was not agreeable to his fantasie; he maintained his Bishops, & pressed his own injunctions and conformitie with *England*; and had without question stayed the work of God, if God had not stirred up a faction of the Nobilitie against him. They stirred up the King to accept the Regiment in his own person, which the Regent seemed willing to dimit. *Argile*, *Athol* and *Crawfurde* were the heads of the faction. His old friends, *Glames*, *Lindsey*, *Ruthwen*, Secretarie *Pitcairne*, and *Tillibardine* Comptroller had forsaken him. He resigned his authority in presence of the people, at the Crosse of *Edinburgh*, upon the twelfth of *March*, where also the King's acceptation of the Government in his own person was proclaimed with solemnity. Yet he was a man of deep judgment, stout, courageous, and ever for the cause of Religion; but that he was set for the estate of Bishops, and against free application of Doctrine. His administration of justice was such, that the time of his regiment was esteemed to be as peaceable, as ever *Scotland* saw before. The Lord *Glames* was slaine at *Stirling* the seven-teen of *March*, and the Earle of *Athol* was constitute Chancellour.

35. Art.
A General
Assemblee.

The General Assemblee convened at *Edinburgh* the twenty fourth of *Aprile*. Mr *Andrew Melvine* was chosen Moderator.

This Assemblee directed some to the Lords of Secret Council to require, that some of their number might be chosen Commissioners, as from his Highness, to assist the Assemblee with their presence and counsel. The Lord *Hereis* and the Commendator of *Deer* were sent to that end.

The Ar-
ticles for
the Assem-
blie pre-
sented to
the Regent
how ac-
cepted.

The Brethren appointed in the last Assemblee, to present the Book of Policie to the late *Regent*, reported in the third Session, that they had presented it, together with the supplication, and a day was appointed for conference, but the alteration of Authoritie interveened. Yet to stop corruption, in the entry of the Kings Majesties government, they presented to his Highness Council a supplication and some articles; one of which was for the Policie of the Kirk. The Assemblee thought it meet, that the same articles should be presented againe, and desired the Lord *Hereis* and the Commendator of *Deer* to give their opinion concerning the said articles. They answered, they came not to vote, but were directed by the Council to hear and observe the proceedings of the Assemblee; yet promised to insist with the Council for answer. Some were appointed by the Assemblee to conferre with some deputed by the Council upon the articles, which were presented.

In the fourth Session it was intimated as followeth.

For as much as the Heeds of the Policie being concluded and agreed upon in the last Assemblie by the most part of the Brethren, farther reasoning was reserved to this Assemblie. It is therefore required, that if any of the Brethren have any reasonable doubt or argument to propone, that they be ready to morrow, & they shall be heard & resolved. In the six Session, according to the ordinance made the day before, persons, that had any doubt or argument, were required to propone the same; but none offered. It was concluded in the eight Session as followeth.

For as much as the General Assemblie hath thought meet, that the travels, taken by them upon the Policie, be presented to the Kings Majestie, & his Highness Councel, it is found good, before the Copies thereof be delivered, they yet be reviewed and sighted by their Brethren *Mr Robert Pont*, *Mr James Lawsons* and *Mr David Lindsey*, and being written conforme to the original, a Copie be presented by them to his Highness, with a supplication penned by them to that effect, & another Copie to the Councel; that the time be at the discretion of the Brethren, so that it be done before the General fast; and in case conference and reasoning be craved upon the Heeds of Policie, the Assemblie hath nominated *Mr John Craig*, *Mr Alexander Arbuthnot*, the Laird of *Dunne*, *William Christiesone*, *Mr John Row*, *David Fergusone*, *Mr Robert Pont*, *Mr James Lawsons*, *John Duncansone*, *Mr Andrew Melvine* and *Mr James Greg* to concurre and convene at such time, as shall be appointed by the King and Councel, and as advertisement shall be given to them before by the said three Brethren; and the said Commissioners at the said conference, reason upon the heed of the Ceremonies, and how far Ministers may meddle with civil affairs, and if they may vote in Councel or Parliament.

In the third Session it was ordained, that all Bishops and others bearing Ecclesiastical function, be called by their own names, or Brethren, in time coming.

In the seventh Session it was ordained as followeth: For as much as there is great corruption in the State of Bishops, as they are presently set up in this Realme, whereunto the Assemblie would provide some stay in time coming, so far as they may, to the effect that farther corruption may be bridled, the Assemblie hath concluded, that no Bishop shall be elected or admitted before the next General Assemblie, discharging all Ministers and Chapters to proceed any wayes to the election of the said Bishops, in the meane time, under the paine of perpetual deprivation; and that this matter be proponed first in the next Assemblie, to be consulted, what farther order should be taken therein.

A Fast was appointed to begin the first Lords day of *June*, and to continue till the next Lords day after, with the accustomed exercise according to the book of Fasts; & intimation was to be made thereof to the King and his Councel. The causes; Corruption in all Estates, Coldness in a great part of the Professors, Increase of fearful sinnes and enormities, Domestick sedition and divisions, the bloody Conclusions of the cruel counsels of that Roman Beast, tending to the exterminion of true Religion; and that God of his mercie would blesse the Kings Highness and his Regiment, and put in his Highness heart and the hearts of the Estates in Parliament, not only to make and establish good lawes for the good Government of the Realme; but also to establish such a Policie and Discipline in

1577.
Reasoning
and Com-
mission for
the Book
of Policie.

Acts con-
cerning
Bishops.

A Fast.

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A General
Assembly.Acts a-
gainst Bi-
shops.The King
appointeth
a Confe-
rence for
the Book
of Policie.A Parlia-
ment hold-
en in Stir-
ling-CastleA Confe-
rence upon
the Book
of Policie
appointed.

the Kirk, as is craved in the word of God, and is conceived and penned already, to be presented to his Highness and Council.

In the third Session of the General Assemblie convened at *Stirling* the eleventh of *June*, it was concluded as followeth. Anent the act made in the Assemblie the twenty eight of *Aprile*, concerning the election of Bishops and Superintendents, suspended to this present Assemblie, the Assemblie all in one voice hath concluded, that the said act shall be extended to all times to come, ay and till the corruption of the state of Bishops be utterly removed; and that all Bishops, already elected, be required particularly to submit themselves to the General Assemblie, concerning the reformation of the corruption of that Estate of Bishops in their Person, which if they refuse after admonition, that they be proceeded against to excommunication. The Bishop of *Dumblane* willingly offered his submission to the Assemblie.

Touching the punishment of Bishops, Ministers and Others bearing function, that set fewes and rackes of their benefices and ecclesiastical livings, or of any part thereof; or of Ministers and Chaprers that give consent thereto, without the consent of the General Assemblie, against the tenor of the acts made before; the Assemblie hath ordained, that the Persons, which shall contravene the said acts, shall be deprived of their Offices and Functions in time coming.

The Brethren, appointed in the last Assembly to present to the Kings Highness and Council the Heeds of the Policie of the Kirk, reported that according to their commission, they exhibited to the Kings Majesty a Copie of the Heeds of the Policie, with a supplication to his Highness, who gave a very comfortable and good answer, that not only would he concur with the Kirk in all things, that might advance true Religion presently professed within this Realme; but also would be a Procurator for the Kirk; and that thereafter his Highness presented to the Council the said supplication, who nominated Persons to conferre upon the matter, and by his Majesties procurement obtained, that they might choose many Ministers to conferre, as was at length agreed upon: which conference is readie to be shewed.

The Earle of *Marre* excluded the Master of *Marre* and his servants out of the Castle of *Stirling*, upon the twenty six of *Aprile*, and took the keeping of the Castle, and the Kings Person, in his own hand. He was persuaded to suffer the Earle of *Mortoun* and his followers to enter there upon the twenty fourth of *May*: so *Mortoun* became half master of the Castle & procured, that the place of the Parliament should be changed from *Edinburgh* to the Castle of *Stirling*. Upon the sixteen of *July* the Parliament began, and was holden in the great hall of *Stirling*. *Argile*, *Stirling* and their adherents remained at *Edinburgh*, and excepted against the Parliament. For the articles were Chosen *Angus*, *Mortoun*, *Buchane*, *Eglintoun*, *Boyd*, *Ruthwen*, *Uchiltrie*, *Abbots*, *Dryburgh*, *Cumbruskenneth*, *Glenluse*, the two Commissioners of *Edinburgh*, *Alexander Udward* and *Henrie Nisbet*, the Provosts of *Perth*, *Dundee*, *Aberdeen*, *Glasgow*, *Stirling* and *Air*.

The Commissioners appointed by the Assemblie, to attend upon the Parliament, desired that the book of Policie might be ratified by their Authoritie. The Lords of the articles alledged, the matter was weighty, and required a long time for consultation, and that the bodie of the Parliament could not stay so long; therefore thought good to depute certain

Persons to convene at a certain day for that effect. The Commissioners of the Kirk took this answer for a shift, or rather a refusal: Because the Book was allowed before by those, who were appointed to conferre upon that matter, except foure Heeds, wherein was no great difficultie, and which were explained in the last Assemblie. Therefore desired, that so many as were agreed upon, might be established by Law, and commissi on given to reason upon the rest: yet that was not granted. *Mortoun* would have had some points selected to be established by Law. It was answered, they had no Commission to do so. After delay from day to day, the *Earles of Mortoun, Lennox, Buchane, Glencairne*; Lords *Boyd, Uchiltrie, Ruthven*; Bishops, *St Andrews, Aberdeen, Glasgou*; Barons, *Caprintoun, Whittinghame*; Burgeses, the Tutor of *Pitcur* and *John Arnot*; Clerks, *Mr George Buchanan, Mr Peter Young, Mr Alexander Arbuthnet, Mr Clement Little*; Ministers, Masters *James Lovvson, David Lindsey, John Rovv, William Christifone, John Duncansone, George Hay*, were chosen to convene, reason and conferre, at the least eighteen of them conjunctly, and the conference was to be reported and considered the next Parliament. No more could be obtained at this time: and no wonder; for *Mortoun* was a chief Ruler, and if there had not been a faction standing in the meane time against him, he had opposed, by appearance, more directly. The other faction called this Parliament, *The imprisoned Parliament*. Preparations were made on both sides for invasion, or defence; but the matter was composed by Mediators at *Falkirk*, about the midst of *August*.

The General Assembly convened at *Edinburgh*, the twenty fourth of *October*. *David Fergusone* Minister at *Dumfermling*, was chosen Moderator.

A General
Assemblie.

In respect that at the desire of the Assemblie, some of the Nobilitie were present, the Chancellour, the Earle of *Montrose*, Lords *Lindsey* and *Setoun*, it was shewed to them by the Moderator, in name of the Assemblie, what care the Assemblie taketh, to intertaine the puritie of the word unmixed with any invention of their own heads, and to reserve it to the posteritie hereafter; and seing true Religion cannot continue nor endure long without good Discipline and Policie, they have also employed their studies that way, and drawne forth out of the pure fountains of Gods Word, such a Discipline and Policie, as is meet to remaine within the Kirk, which they presented to the Kings Majestie with their supplication, at whose discretion certain Commissioners were appointed to reason with such as were deputed by the Assemblie; where the matter, being disputed, was resolved and agreed upon, some few Heeds excepted, and thereafter presented the same againe to the Lords of the Articles, that it might be established by law, but their travel had no successe; prayed therefore the Noblemen present to declare to the Assembly, if they would maintaine the Religion presently established, and the Policie and Discipline already mentioned, and labour with the King and Council for an answer to the Heeds after following; to wit, That his Highness and Council would establish such Heeds of the policie, as were already agreed upon, and cause the rest not agreed upon to be reasoned, and put to an end. That his Highness and Council would restore the Kirk to the benefite of the act of Parliament concerning the thirds, and that none vote in Parliament, in name of the Kirk, but such as shall

Articles
craved of
the Noble
men pre-
sent.

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have Commission from the Kirk to that effect. That Presentations of benefices be directed to Commissioners of Countreys, where the benefices lye: and, that the matter may be the sooner exped, that their Lordships would appoint such times convenient to that effect, as they may best spare, that such Brethren, as shall be nominated, may attend upon their honours. The Noblemen answered, that some of them had made publick profession before, and now declare, they still professe the Religion presently established, and shall maintain the same to their power. As for the rest, they think good, the King & his Council be requested; & they promised to assist, and to notifie to the Assembly the time most convenient for that effect. These were the Noblemen, that were drawn in faction against the *Earle of Mortoun*; a great Opposite to the Book of Policie.

Mr James
Boyd's sub-
mission to
the Assem-
blie craved

Master *James Boyd* Commissioner of *Kile, Carrick &c.* was desired to submit himself to the General Assembly, for reformation of the corruption of the state of a Bishop in his person, according to the Act of the Assemblie. He was delated for negligence in Visitation, negligence in Preaching at the Kirk of *Oswald*, which he had taken to be his particular flock; for slackness in Discipline; for giving Collation to *Mr Hector Douglas* of the benefice of *Ancrome*, and commanding the Reader to give him institution, *George Johnston* Minister serving actually the cure at the Kirk. To the first he answered, that he understood not the meaning of the Act, but was content to satisfie the Moderator and such Brethren as shall conferre with him, or to yeeld to better reason. To the second, he pretended deadly feuds in *Kyle* and *Cunninghame*, and desired his Visitation might be limited to him about *Glasgow*. To the next, that he preached in the Kirk of *Oswald*, when he was in the Countrey, and at other times in *Glasgow*, and desired that he might travel at *Glasgow*. Unto the last, that he kept the common forme of Collation. Some were appointed to conferre with him upon the first. They advised him to give in his own answer, which he gave in in writ, in the fift Session, as followeth.

First, I understand the name, office and modest reverence borne to a Bishop to be lawful and allowable by the Scriptures, and being elected by the Kirk and King to be Bishop of *Glasgow*, I esteeme my calling and office lawful. As touching the execution of the Charge committed to me, I am contented to endeavour at my uttermost abilitie to performe the same, and every point thereof, and to abide the honourable judgment of the Kirk, from time to time for my offending; seeing the Charge is weighty; and when any thing shall be layd to my charge, to be examined by the Canon, left by the Apostle to *Timothie I. Epist. Cap. 3.* Seing that place was appointed to me at my receiving, to understand by it the duties of a Bishop. As for my livings and rents and other things, granted to me by the Prince, for my serving in that Charge, I reckon the same lawful. As to my dutie to the supreme Magistrate, in assisting his Highness in Council or Parliament, being required thereto; I esteeme, that I am bound to obey; and that it is no hurt, but a well to the Kirk, that some of our number be at the making of good Lawes and Ordinances. In doing whereof I protest before God, I intend never to do any thing, but that which I believe shall stand with the puritie of the Scriptures, and a well reformed Countrey; as also a good part of the living which I brook, was given for that cause. This answer was read and

considered,

considered, and after voting was judged by all the Brethren to be no answer to the AGt, nor to satisfie the intent thereof. Alwayes he was required afternoon to retorne with better advice. What his answer was, is not found in the Register; because some leaves were riven out in the year 1584. when Bishops *Adamsone & Montgomerie* were set up by the authoritie of the Court above the Kirk. No doubt the minde of the Assemblie was clear; and therefore these leaves were riven out. Mr *Hector Douglas*, whom he admitted untried, and without the new limits of his Jurisdiction, was found afterward to be ignorant of the very rudiments of Religion, and was deprived at this Assemblie, by reason of his inability; and the Commissioner or Visiter of the Countrey was ordained to charge him to dimit his benefice; and if he refuse after admonition, to proceed against him to Excommunication, under the paine of Suspension of the said Commissioner from his Ministrie, during the pleasure of the Assemblie.

Commission was given to the Ministers of *Edinburgh*, and to Mr *David Lindsay*, Mr *Robert Pont*, *David Fergusone*, *John Brand*, to charge Mr *Patrick Adamsone*, with the transgressions committed by him against the tenor of his submission, and to receive his answer; as also to charge him to free himself of the corruptions of the estate of Bishops in his person, particularly to be specified to him: And if he refuse, that after admonition he be excommunicat by such, as shall be appointed by them for that effect.

For as much as the Bishops are to be charged to remove the corruptions in that estate, the Assemblie hath set down the special corruptions, which they desire such, as would submit themselves to the said Assemblie, to correct; with promise, that if the General Assemblie hereafter shall finde further corruption in the said estate, then is hitherto expressed, that they be content to be reformed by the said Assemblie according to Gods Word, when they shall be required: *videlicet*, that they be content to be Pastors and Ministers of one Flock; that they usurpe no criminal Jurisdiction; that they vote not in Parliament in name of the Kirk without advice from the Assemblie; that they lift not up for the maintenance of their ambition and riotousness, the emoluments of the Kirk, which may sustaine many Pastors, the Schools and the poor, but be content with reasonable livings, according to their office; that they claime not to themselves the titles of temporal Lords, nor usurpe temporal Jurisdiction, whereby they may be abstracted from their office; that they empire not above particular Elderships, but be subject to the same; that they usurpe not the power of Presbyteries; that they take no farther bounds of Visitation, then the Kirk committed to them. Here ye see in effect, nothing is reserved to the Bishops, but Visitation in the bounds limited to them by the Assemblie, conforme to the cautions set down before; the title of the benefice; and power to give Collation, conforme to the order set down before, which is here supposed. But the General Assemblie rested not here, but did proceed further afterward: For it was hard to get them reduced to the common order of simple Ministers, seeing they were already possessed in the title of the benefices, and were maintained by the Court.

The General Assembly convened at *Edinburgh* the seventh day of July, Mr *Thomas Smetoun* was chosen Moderator. He went to *France* in the beginning of the Reformation, being removed from the

1578.

Commis-
sion to try
Mr P. A-
damsone.

Corrup-
tions in the
estate of
Bishops to
be remov-
ed.

1579.
A General
Assemblie.
M. T. Sme-
toun chose
Moderator

1578.

old Colledge of *St Andrews*, and resolved to enter in the order of the *Jesuits*, as the most exquisite order among the Papists. His purpose was to leave no meane untried to come to the knowledge of the truth. The more he insisted, he found the truth the stronger. After he had seen *Rome*, and tried the Colledges of the *Jesuits*, and endeavoured to have his doubts resolved among them; at length he left them, & joined himself to the Professors of the Reformed Religion in *France*, and stayed till the massacre; then he came to *England*, where he remained till he came to *Scotland*, and was soon after placed Minister at *Passey*. The first Assemblie, wherein he was an Actor, was the Assemblie, which was holden at *Edinburgh* in *Aprile* the Year preceeding.

In the second Session *John Duncansone*, Minister of the Kings House, presented the Kings Letter, directed to the Assemblie, the tenor whereof followeth.

The King's
Letter to
the Assem-
bly.

Right trustie and welbeloved, we greet you heartily well. Understanding of your present Assemblie at *Edinburgh*, and for the rumors that passe of some things, that are to be treated among you, which may seem prejudicial to that good order of the Government of the Kirk, and ecclesiastical Policie, heretofore long traveled in, and hoped for; we have taken occasion to shew our minde in this behalf to the Minister of our own house, and some others of your number, happening to be present with us, whom in this cause we have thought good rouse, as our messengers, to carrie our letter; whereby we will heartily desire you, and effectuously admonish you, that in this our young age, the time being subject to so many difficulties and imperfections, you bestow your common care and goodwill to intertaine publick peace and quietness in Gods fear and our due obedience, forbearing any proceedings at this time, that touch matters heretofore not concluded by our lawes, or received in practice; but whatsoever in the former conferences, touching the policie of the Kirk, was remitted to be reasoned and decided by our Estates in Parliament, let it so rest, without prejudging the same by any of your Conclusions at this time, seing our Parliament now approacheth so shortly; and that we are well pleased and content, that before the samine, such matters, as are not yet fully reasoned, may be consulted upon, and prepared to passe in forme of lawes; and the meetest for that work to be expressly employed therein: to the end that things, conferred and agreed upon, may be presented to our Estates, to be approved in our said Parliament, and due execution to follow thereupon; for the advancement of true Religion, and to the repose of you and others our good Subjects, the members of the Kirk of God within our Realme. And for this cause, that ye will not only be the authors and perswaders of common Peace and Concord among all of your own function; but among all others our Subjects, as well in general, as in the particular Kirks, where ye travel; that some men, too busie to work the contrare effects, may finde themselves disappointed, and that our whole Estates by your good exemple may the rather be disposed to conforme themselves to a godly & peaceable course of living, which we are assured shall be pleasing unto God, and to us it will be most acceptable, as ye may perswade yourselves of our willing inclination to set forward this action, according to Gods will and word, with all the diligence and good meanes, that may be used. And so, looking to be informed of the successe of this our reasonable Request & Admonition,

we commit you to the protection of God. At the Calles of *Stirling*, the first of July.

This hard Letter is far different from the answer, which was reported in June last. But ye must understand, that since the death of the Earle of *Arbol*, and the persuing of the Commendator of *Arbroth* and *Passey* for the slaughter of *Matthew Earle of Lennox* and the Earle of *Murray* Regents; *Mortoun*, no good friend to the Book of policie, is now a chief guider of the Court.

The Assemblie giveth power to the same Commissioners, who were appointed in the last Assemblie, to charge *Mr Patrick Adamson* yet to quire the particular corruptions, whereunto he had not yet agreed in his answer; and if he refuse, to execute their commission in all points: and likewise to summon him to compare before them in *Edinburgh* with convenient diligence, and to charge him with the particular offences following, First, That he, having submitted himself to the Assemblie, went immediately after his submission and voted in Parliament. 2. That he hath given Collation of the Vicarage of *Bolton*, having no power of visitation in the bounds, where the said Vicarage lieth. 3. That he hath agreed to all the Heeds of policie except foure; and yet opposed the same at the Parliament.

Master David Woome was enjoined in the last Assemblie to charge *Mr James Boyd*, to quire the corruptions of the state of a Bishop in his person. He produced a writ subscribed by him at *Glasgow* the eight of June, wherein he willingly agreed to the act of the Assemblie made at *Stirling* 1578: to wit, that according to the dutie of all faithful Pastors, he submitteth himself in all points.

The Brethren thought meet, that the late Conference holden at *Stirling* by such as the King appointed thereunto, should be read and conferred with the book of Policie, that it may be seen, wherein the said conference agreeth with the former Conclusions of the Assemblie: but I find no more, but the ten Articles of the first Chapter considered; & there they are content to adde the word *Discipline* to the word *Government*. The second Article was then declared to be understood, both of the particular Presbyteries, and General Assemblie.

Commission was given to some Brethren to passe to *Stirling*, to presente to the King and Council some Articles, wherein they crave, that because the last Conference holden at *Stirling*, at his Highness command, concerning the Policie of the Kirk, certaine Articles thereanent remaine yet unresolved, and referred to further Conference, that persons unspotted with such corruptions, as are desired to be reformed, may be nominated by his Majestie, to proceed in further Conference upon the said Policie, and time and place be appointed for that effect. Here ye may see, what in part hindered the furtherance of the Book of Policie.

Bishops, as well having office of Visitation appointed to them by the Assemblie, as not having the said office, and Commissioners of Countreys, are ordained to be present at the General Assemblie, according to the act made in *August* 1575. This ordinance was not renewed for any need of their counsel or advice, but to have them present now, when the work of policie was in hands, that they might be ordered, as occasion required.

Among

1579.

M. P. Adamson
urged with
submission

M. J. Boyd
forme of
submission

The late
Conference
conferred with
the Book
of Policie.

Commis-
sion to pre-
sente Ar-
ticles to
the King.

An Act
concern-
ing Bishops.

1579.

A suppli-
cation to
the King
for fur-
therance
of the Po-
licie.

Monsieur
d'Aubig-
nie his
coming to
Scotland.

Among the questions or articles proponed by the Synod of *Lothian*, it was proponed, that a General order be taken for erecting of Presbyteries in places, where publick exercise is used, until the time the policie of the Kirk be established by Law. It was answered, the Exercise may be judged a Presbytery.

Upon the tenth of *July* a Letter was penned to be presented to the King by the Commissioners of the General Assemblie, pithie and eloquent, but prolix; and therefore I have not inserted it here. They encourage him to bring the building of the spiritual Temple to a perfection, by establishing of Discipline and a meer Policie in the Kirk of God, not taken out of the cisternes of the traditions of men, but out of the pure fountains of Gods holy word. Which thing wisely begun in his Highness name by his first Regent of godly memorie, and ordained by act of Parliament to be followed forth, hath been diligently pressed from time to time; but specially now, since the acceptance of the Government in his own person. They put him in minde, that not only he received most lovingly the book of Policie offered by them, who were directed to his Majestie, but also was very careful to finde out men meer for Conference upon the Heeds of the famine, and appointed diverse times and places, where such conferences, in his name and at his Commandment, hath been had, not without fruit and agreement of many Heeds to be passed in Lawes, but with expectation of greater things to follow after, upon farther Conference, providing such men be appointed, as his Highness wished, and they most earnestly crave. They warn him of many impediments, which Satan will cast in to stay the building and repairing of the temple of *Jerusalem*; and among the rest, the insatiable covetousness of every one to apply and appropriat to themselves the common rents of the Kirk, & specially of the greatest: the manifest corruptions of the lives of men in all Estates: the licentious and godless living of the multitude. But all the lets may be overcome by Gods Assistance. They propone to him the zeal of *David*, the fervent faith of *Jehoshaphat*, the good examples of *Ezechias*, and *Josias*, *Constantine*, *Gratian* and Godly *Theodosius* &c.

Esme Stewart, siled *Monsieur d'Aubignie*, son to *John Stewart* Brother to *Matthew Earle of Lennox*, arrived at *Leith* upon the eight of *September*. It was thought, he was sent for by the band that assembled at *Falkirk*, and the *Stewarts*, to be a Head to them, and that the *Guisians* in hope of their Assistance furthered him. The *Duke of Guise* accompanied him to his ship. He brought with him one *Monsieur Mombirneau*, a mirrie companion, able in bodie and quick in spirit, a fit instrument to bewitch a young King. *Monsieur d'Aubignie* had conference with the Bishop of *Glasgow*, lying as Ambassadour for the Kings Mother at *Paris*, with the Bishop of *Rosse*, another affluer for her, and *Sir James Balfour*, before he came out of *France*, tending to these purposes, as was thought, to dissolve the amitie with *England*, by removing from the King such as were well affected that way, to procure an association betwixt the young King & his Mother in the Government, to alter the estate of Religion by degrees. His course & practises after confirmed the likelyhood of these intents and purposes. The opportunitie of the time was very fit; for such purposes might be more easily effectuated, when a young King of thirteen years of age Governed, then before, when Regents and men of experience Ruled. Not long after his arrival, he was

made

made Commendator of *Arbroth* and *Earle of Lennox*; and *Robert Bishop of Cathness*, the third brother to *Matthew Earle of Lennox* Regent, was created *Earle of March*, in Compensation of the *Earledome of Lennox*.

In the Parliament holden about the end of October, the act, made in the first year of the Kings reigne, was explained; and whosoever did not approve the Heeds of the Confession of Faith, or did not participat of the Sacraments, as they were then ministred, were declared to be no members of the reformed Kirk of Scotland.

The General Assemblie convened at *Dundie* the twelfth of July. *Mr James Lawsons* was chosen Moderator. Some Brethren were offended with the choosing of Assessors to conferre in private with the Moderator, as though some tyrannie or usurpation might creep in thereby, or liberty might be taken from the Brethren. It was referred to reasoning. At last the Assembly concluded the order to be good and necessarie, and to be observed as before, without prejudice to the liberty of the Brethren: but experience by process of time hath proved this order to be hurtful, namely after a faction of some Ministers, aspiring to Prelacies, began to trouble the Kirk.

The prior of *Pittenweem* and the Laird of *Lundie* were instructed with power from the King, for assisting the Assemblie with their presence and counsell.

Because *Mr John Row*, Commissioner of *Dunkel*, had not execute the Commission given to him, to charge *Mr James Patoun* to dimit the Bishoprick of *Dunkel* under the paine of Excommunication, the Assembly ordained the Commissioner, that shall be appointed for Visitation of these bounds, to put the said Commission in all points to due execution, according to the tenor thereof, and to charge him to repair the hurt done to the Kirk by dilapidation of the patrimonie thereof, under the paine of Excommunication, and under the paine of Suspension of the said Commissioner from the ministrie. Farther to try, if he hath usurped the pretended office of a Bishop, since the giving forth of the sentence of Deposition by the General Assembly.

William Stewart Brother to the Laird of *Traquair* compeared in name of the *Earle of Lennox*, and presented a Letter to the Assemblie, wherein the *Earle* maketh it known, that it had pleased God to call him to the knowledge of the Truth, since he came to this Countrey, and had made open declaration thereof, first by his own mouth in the Kirk of *Edinburgh*, and secondly by his hand-writ at *Stirling*, yet offered to performe what the Assembly required farther, for the accomplishment of the said Confession, to procure and advance all other things according to his power, that may serve for the Glorie of God, and well of the Kirk and Countrey. He had procured before a dispensation from the King, not to be troubled for Religion for a whole year, that he might pursue in judgment for the fruits and rents of *Arbroth* and *Lennox*, and vexed the Session and Eldership of *Edinburgh* & the Synod of *Lothian* with Letters from the King, for a *superfedere*, according to the dispensation granted to him. When he subscribed the Articles of Religion and Communicated, little understood he what he heard. Notwithstanding of his subscription, he brought with him and had in his company, Papists by profession, but indeed Atheists, which were intertained with him almost till his departure out of the Countrey.

1579.

1580.

A General Assemblie.

The Kings Commissioners to the Assemblie.

Trial of Bishops.

The Earle of Lennox his offers to the Assemblie.

1580.

An Article
for the
Book of
Policie.

An act a-
gainst Bi-
shops.

Another.

the first
of the
first of
the first

Commissioners were appointed to present some Articles to the King, among which this was one, that the Book of policie may be established by act of privie Councel til a Parliament be had, at which the same may be confirmed.

This act following was made against the office of Bishops, in the fourth Session.

For as much as the office of a Bishop, as it is now used and commonly taken within this Realme, hath no sure warrant, authority nor good ground out of the Book and Scriptures of God, but is brought in by the folly and corruption of mens invention, to the great overthrow of the true Kirk of God, the whole Assembly in one voice, after libertie given to all men to reason in the matter, none opposing themselves in defence of the said pretended office, findeth and declareth the same pretended office, used and termed as is above said, unlawful in the self, as having neither fundament, ground nor warrant in the word of God; and ordaineth, that all such Persons, as brook, or hereafter shall brook the said office, be charged *simpliciter* to dimit, quite and leave off the same, as an office whereunto they are not called by God; and siclike to desist and cease from Preaching, ministrat[i]on of the Sacraments, or using any way the office of Pastors, while they receive *de novo* admiss[i]on from the General Assembly, under the paine of Excommunication to be used against them; wherein if they be found disobedient, or contraven this act in any point, the sentence of Excommunication after due admonition to be execute against them.

And for better execution of the said act, it is ordained, that a Synodal Assembly shall be holden in every Province, where any usurping Bishops are; and begin the seventeen day of *August* next to come, whereunto they shall be called and summoned by the Visiters of the said Countreys, to compare before their Synodal Assemblies, and namely the Bishop of *St. Andrews* to compare at *St. Andrews*; the Bishop of *Aberdeen* in *Aberdeen*; the Bishop of *Glasgow* in *Glasgow*; the Bishop of *Murray* in *Elgine*; to give Obedience to the said act; which if they refuse to do, that the Synodal Assembly shall appoint certaine Brethren to give them publick admonition out of the pulpit, and warne them in case they disobey, to compare before the General Assemblies to be holden at *Edinburgh* the twenty day of *October* next to come, to hear the sentence of Excommunication pronounced against them for their disobedience. To this act the Bishop of *Dumblane* agreed, submitting himself to be ruled thereby. As to the orders to be taken with the Patrimony of the Kirk, brooked and possessed by the said Bishops, the Assembly referreth the reasoning thereupon till the next Assembly. In that they condemned the office of a Bishop, as it was then used & commonly taken within this Realme, they meant not to allow any other sort of Bishop, either *Anglicane* or *Romane*, but only the Divine or Apostolical Bishop, who is only a Pastor of a particular Flock or Congregation, as may be seen in the articles agreed upon 1575, and 1578. years, and in the Book of policie. Yea notwithstanding of the Authority of the General Assembly above them, and the curbing of them in former Assemblies for the restraining of the corruptions of that office, yet they think it not tolerable; but pulled it up by the roots. Whereas before they were required to submit themselves to the reformation of the corruptions in the estate of Bishops; now they are ordained to dimit *simpliciter* quite and

leave off the office, as an office whereunto they are not called by God, under the pain of Excommunication.

It was ordained likewise, that all Ministers, as well those who usurpe the stile of a Bishop, as others that shall be found hereafter to diminish the rents of their benefices, either by diminution of the old rental, by setting the victual for small prices and within the worth, or otherwise unjustly dilapidating and putting away the rent thereof, by the judgment of the General Assemblie, shall underly the sentence of Excommunication without farther processe.

Touching the office of Readers, who have no farther gift of God, but the simple reading of the Scriptures, the Assembly after reasoning declared, that their office is no ordinarie office within the Kirk of God: & because some of the Brethren moved the question, whether, in respect of the necessity and circumstances of the time, they should be suffered to continue? The disputation was referred to the day following. Then it was concluded, that all Readers within this Realme shall be tried and examined *de novo* by the Commissioners of Countreyes, with advice of their Assessors, so far as possibly may be, betwixt and the next General Assemblie; and so many as shall be found to have travelled in reading the space of two years, and have not profited so far, as to be able to be Pastors and preach the Word of God, shall be deposed from their reading by the said Commissioners; and that their diligence to be used therein be reported again to the next General Convention of the Brethren. Siclike because Readers have no ordinarie office within the Kirk of God, the General Assembly hath declared, and declareth, that no simple Reader shall be capable of any benefice, or brook and possesse the samine in time coming, or brook and enjoy the manse and gleib, where there is any Minister actually serving.

Forasmuch as by the confusion and disorder of the pluralitie of Kirks sustained in the person of one Pastor or Minister, the Flocks of Christ throughout the Realme universally are destitute of the true food of their soules, Discipline and good Order utterly neglected, and the Consciences of Pastors burdened with heavier charges, then they may bear; whereas by the Word of God every several Congregation ought to be provided with their own Pastor; it is not lawful by the Word of God, that a Minister or Pastor be burdened with the charge of feeding of moe particular Flocks or Congregations, then one.

The Assembly ordaineth, that the Act made in the last Assemblie concerning suspending of Visitors from giving Collation of benefices to others, then serve actually at the Kirks, where the samine vaike, under the pains expressed in the said Act, stand in full strength and effect with this addition, that if any Collation or Admission be given by any Visitor against the tenor thereof, it shall be null, and of none avail, force nor effect. And siclike declareth all Collations or Admissions, that shall be given hereafter by any, pretending the stile of Bishops, shall be void in the self, null and of none effect in time coming.

It is concluded, that in every Provincial Assemblie there shall be certain Assessors nominated by them to concurre with the Commissioner of the Countrey, who shall subscribe with him in all weightie and great Matters.

For purging the Kirk of God from Slander, the Assemblie requireth, and in the Name of God desireth all men, as well Gentlemen as Others

1580.

An Act
against dil-
apidation
of benefi-
ces.

An Act
concern-
ing the of-
fice of
Readers.

An act a-
gainst plu-
ralitie of
Kirks.

An Act
concern-
ing collati-
on of be-
nifices.

An Act for
scandalous
Ministers.

1580.

A General
Assemblee.

conveened at this time, if they know any in the Ministrie scandalous in life, unable to teach, unprofitable or cūsius in teaching, negligent in preaching, non-residents or deserters, or to have pluralitie of Benefices or Offices, dissolute in manners, to have mixed Jurisdictions, to give Pensions out of Benefices, or to receive; to give - in their names a ticket to the Moderator and his Assessors, that order may be taken with them by the Moderator and his Assessors, if it can be; otherwise that they report to the Assemblee.

The General Assemblee, conveened at *Edinburgh* the twenty day of *October*, gave Commission to *Mr Thomas Buchanan* to summon the Bishop of *Cathness*, and to *Mr John Hepburne* to summon the Bishop of *Brechin*, to compear the next General Assemblee, to give their Submission and Assent to the special Heeds, conferred and agreed upon between the Bishops of *St Andrews*, *Glasgow* and *Isles*, and the Assemblee; & to be content expressly with the same, with certification if they compear not, the Assemblee will proceed with Censures against them. And in case the saids *Mr Thomas* and *Mr John* execute not this Ordinance, the Assemblee decerneth, that they shall make publick Repentance openly in face of the whole Assemblee. Commission was given to the Brethren of the Exercise of *Edinburgh*, and *Mr John Craig* Minister of the Kings House, if he be present, to call the Bishop of *Orkney* before them, and to charge him in name of the Assemblee, to give Submission and Assent to the Articles and Heeds agreed upon betwixt the Bishops of *St Andrews*, *Glasgow* and *Isles* on the one side, and them on the other side, and to receive his answers thereupon, to be reported with the whole proceeding therein, to the next Assemblee. There wanteth here in the Register, if my Copie be conforme, a part of the third Session, the whole fourth, fift and sixt, and a part of the seventh, riven out, as the rest of the wants, by the same Sacrilegious hands in the Year 1584. where the Submissions of the Bishops of *St Andrews*, *Glasgow* and the *Isles* were set down. Yet I finde in *Mr James Carmichael* his Observations, who was present as Commissioner at this Assemblee, that they agreed every one to accept a particular Kirk, not to usurpe the Office of Visitation, farther then the Assemblee should commit to them *pro re nata*; not to take upon them to Ordaine and Depose Ministers, but to commit the same to the whole Brethren of the Province in their Synodal Assemblee; not to use the Censures of the Kirk, namely Excommunication; but to forbear the same as belonging *ad Presbyteria bene constituta*. Commission was given to *Mr Andrew Hay* to summon the Visiter of *Argyle* to compear before the next General Assemblee, to answer for his usurpation of the Office of Visitation within the lawfull bounds, under the paine of disobedience.

This Assemblee findeth and acknowledgeth no such Office in the Kirk of God, as the Office of Exhorters; and will not acknowledge any such in time coming. *Mr Patrick Gates* was delated, that *Mr Thomas Cranston*, being within the bounds of his Visitation, ministred the Sacrament without examination preceeding, and without his own Patish committed at other times the examination to Readers; baptized privately; celebrated the Communion in *Innerleithen* upon Pasch-day, to maintaine superstition. He answered, that order was taken with him for Baptizing privatlie, but he understood not the rest. The Assemblee giveth Commission to the Brethren of the Exercise of *Edinburgh* to the

and take order with him, according to the qualitie of his Offences, and the Acts of the Assembly, and to report to the next Assemblie. Ye see, privat Baptisme & Celebration of the Communion upon Pasch-day were judged corruptions.

In respect the order set down in the last Assemblie, to be taken with the Bishops of *Murray* and *Aberdeen*, hath not been followed-out according to the tenor thereof, the Assemblie ordaineth the Commissioners of Countreies to put the said Acts in execution in all points, so far as concerneth their parts; and the Ministers so far as is appointed by the said Act unto them, under the pain of making publick repentance in presence of the General Assemblie, & ordaineth the Bishop of *Murray* to be warned publickly in the Kirk of *Elgin*.

Forasmuch as it is considered by the Assemblie to be a corruption, and to sound to tyrannie, that such kinde of Office, as the Office of Visitors, should stand in the person of one man, which should flow from the Presbyteries; and howbeit the state of the time and want of present order for establishing and constituting of Presbyteries, suffereth not the present alteration of Visitors, it is thought meet that the Clerk of Register be requested to concur with the *Laird of Dunn*, *Mr Robert Pont*, *Mr James Lowson*, *Mr David Lindsey*, *Mr John Craig* and *John Duncanson*, or any three or four of them, to devise a plot of the Presbyteries and constitution of the same, as seemeth best in their judgments, to be reported againe to the next General Assemblie. As for the present, the Assemblie appointeth Visitors of several Provinces. Here ye see, Visitors, notwithstanding of all the restrictions and caveats set down in the Assembly holden in *Aprile 1576*. and at other Assemblies, are rather tollerated than allowed.

I have thought good to set down here some Propositions subscribed and agreed unto by *Mr Patrick Adamson*, when the Book of Policies was in framing.

Unto the Presbyterie appertaineth all ordinarie power of judgment in matters Ecclesiastical, to wit.

- First, in Removing of slanders, as well in doctrine as manners.
- In Electing worthie persons, and Depositing unworthy.
- In Expounding the Constitutions of the Kirk, which are taken out of Gods Word; and concerning these Constitutions, which in respect of the varietie of Circumstances, may be changed, it hath power in appointing or abrogating them.

Unto the Presbyterie properlie appertaineth the Extirpation or rooting out of Heresies, the Interpretation of the Word, the Censure of manners, Monitions, Exhortations; yea the judgment of Excommunication appertaineth to the Presbyterie; siclike the Election, Depositing, Correction, Discharging, Suspending or Interdicting of Ministers; the Explication of all ecclesiastical Ordinances or Constitutions, substantial or accidental, permanent or changeable, mutable or immutable, pertaineth to the Presbyterie.

Under the name Presbyterie, we understand Pastors, Doctors, and these who are properly called Elders, *ἐπίσκοποι, πρεσβυτεροι*, *Guiders, Leaders*, whose office is to rule the Kirk of God.

The Power & Authoritie of all Pastors is equal, and alike great among themselves.

The name of *Bishop* is relative to the Flock, & not to the Eldership:

1580.

Commission to devise a plot for Presbyteries.

Mr P. Adamson & Mr A. Melvins propositions.

- 1.
- 2.
- 3.

1580.

for he is Bishop of his Flock, and not of other Pastors or fellow Elders: as for the preeminence, that one beareth over the rest, it is the Invention of man, and not the Institution of Holy Writ.

P. Adamson

A. Melvinus.

This word *Bishop*, as also the word *Elder*, in the word of God is sometime so largely taken, that it comprehendeth also the Apostles. In the Epistles of *Paul* to *Titus* and *Timothie*, the office of a Pastor is described to be a certain function, to which a certain administration of a certain peculiar Flock, is enjoined.

There is a Bishoprick, to wit, in *Jesus Christ*, of which every Pastor, for his firme and stable portion thereof, faithfully dischargeth his office, in preaching of the Word, & ministrations of the Sacraments.

A Bishop is not the Bishop of a Bishop, nor yet the Pastor of a Pastor, but every one Bishop and Pastor of their own Flock, for which they shall give reckoning to the Most High Judge.

These who bestow not their travels and labours upon a Flock, but travel to procure more Kirks and Congregations they neither give ear to the Doctrine of *Paul*, nor to the Decrees of the most godly and ancient Councils; as of the Council of *Nice*; nor yet are they moved with the dignitie of the office of a Pastor, as becometh them.

The ordaining and appointing of Pastors, which is also called the laying on of hands, appertaineth not to one Bishop only, so being lawful election passe before; but to those who are of that same Province or Presbyterie, and with the like jurisdiction and authoritie, minister at their Kirks.

In the Council of *Nice*, for eschewing of privat ordaining of Ministers, it was statuted, that no Pastor should be appointed without the consent of him, who dwelt or remained in the chief and principal City of the Province, which they called the Metropolitan Citie. After in the later Councils, it was statuted (that things might proceed more solemnly and with greater Authoritie) that the laying on of hands upon Pastors, after lawful election, should be by the Metropolitan or Bishop of the Chief and Principal Town, the rest of the Bishops of the Province voting thereto. In which thing, there was no other Prerogative, but only that of the Town, which for that cause was thought most meet, both for the convening of the Council, and ordaining of Pastors with common consent and authoritie.

The state of the Kirk being corrupt, the name Bishop, which before was common to the rest of the Pastors of the Province, began then without the Authoritie of Gods Word and ancient Custome of the Kirk, to be attributed to one.

The power of appointing and ordaining Ministers, and ruling of Kirks, with the whole procuration of Ecclesiastical Discipline, was now devolved to one Metropolitan only, the other Pastors no wayes challenging their right and priviledge therein, of very slothfulness on the one part, and the Devil on the other part, going about craftily to lay the ground of the Papistical Supremacie.

In a well ordered Christian Policie, the office of Visitors, as is this day used, hath no place, seeing not only it representeth the very lively image of Supremacie, but also because we never finde it any wayes used in the Primitive Kirk. According as things fall out, or any new occasion

arise,

arise, any man may be burdened therewith (as writteth *Joannes Andreas* upon the Canon law:) order being taken with these things, incontinent ceaseth that office.

To appoint Visiters at every ecclesiastical Convention, and so as it were to make and bring-in an ordinar office thereof in the Kirk of God, who seeth not how this would degenerat in such sort, that the last error would be worse then the first?

First, we take us to one Kirk, to bestow our labours to our power thereat. Secondly, in the appointing of Pastors, we promise to do nothing of our own privat Authoritie; but in the Synod or Council to communicate our judgment with the Brethren, and make no Visitation, but at command of the Presbyterie, & as occasion ariseth. And this much concerning Ecclesiastical affairs.

The Ecclesiastical revenue or patrimonie of the Kirk, partly consisteth in Tithes, partly in Lands, and the lawful use of both appertaineth to the Pastor; and yet ought no Pastor to call himself Lord of the Lands, seeing the Lordship and Dominion thereof appertaineth not to us, but only the uptaking of the Fruits and Revenues, which we ought to leave whole and undisposed to the Kirk, and our successours after us.

Unto these Ecclesiastical Persons, although not every where, yet in some parts and places, there are granted some Kingly priviledges, which right is not so much personal, appertaining to the Pastor, as to the ground & ecclesiastical land, & upon these respects appear to have been granted, lest those who are indebted to pay stipends to the Kirk, calumniously trouble and overwhelme the surors of the same before the Secular Judgment. This jurisdiction our predecessors by heretable right granted unto Noblemen, which by the lawes of the Realme we may not retreat. But whether these Rights & Priviledges ought to be subject to the will and command of the Kirk, or whether we should renounce and give over the same in favours of our Prince, we leave it to the judgment of wise men in the Kirk of God: That they may wisely appoint that which is best for the Kirk of God; and yet under this condition, that the Patrimonie of the Kirk be not escheated in the Courts hand, and the Kirk utterly spoiled of these Princely Priviledges, which now it enjoyeth.

As to Voting in Parliament & publick Assemblies of the Estates of this Realme, if the Ecclesiastical affairs were ordered, and the Civil Policie rightly guided and perfect in all points, I am of that opinion, that Pastors should have no vote therein. But as things are now, and as the time is, it is needful to foresee, that the Kirk be not hurt, and that the lawes, which are made, be conforme to Gods word.

As concerning the choosing and electing of some, who, at appointed times and places, and needful times, shall await upon the Kings Council, whether such shall be appointed by the King, or rather by Assembly of Pastors, I leave it to the Kings Majesties wisdom, the States of the Countrey and the judgment of godly and wise men, who serve in the Kirk, to consider what is most expedient for the well of the Countrey and the Kirk.

And, as we judge, it is a prophane and ungodly thing, that in Parliament or publick Convention of the Estates, any should sit and vote in the name of the Kirk, having no command of the Kirk, nor no cure nor charge in the same, nor can have; so with saife conscience we think, we may lawfully keep that solemne oath, whereby we have bound our sel-

ves to

1581.

ves to the Kings Majestie, in doing of which we refuse not, though Brethren interpone their authoritie and counsell, neither shall we refuse, to submit us to the Censure and Discipline of the Kirk. If all our Counsell and Votes tend to the commoditie of the Kingdome and well of the Kirk, the Kings Majestie and Estates of the Realme shall decree any thing better for the Commonwealth and the Kirk, as right is, we shall imbrace the same.

P. Adamsone.

Here ye see, how far *Mr Patrick Adamsone* misliked the office of Visitators, and what was his judgment in foundamental points of the Policie howsoever he inclined somewhat to Ministers voting in Parliament and Councel, where he had sometime placed himself.

Upon the last of *December*, while *Mortoun* was sitting in the Councel, he was accused by *James Stewart*, commonly called *Captain James*, brother to the Lord *Uchiltrie*, of foreknowledge of murdering the Kings Father, whereupon he was committed to the Castle of *Edinburgh*.

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The second Confession of faith subscribed by the King and his Household,

Suppose *Mortoun* a chief maintainer of Religion was put out, who will think, that any thing was intended against Religion? for the second Confession of Faith, commonly called the Kings Confession, was subscribed by the King and his Household with sundrie others, the twenty eight day of *January 1581*. according to the new accompt. The names of the subscribers are these following.

JAMES R.

Lennox, Argile, Bothwell, Ruthwen, Seatoun, James Lord Ogilvie, Alane Lord Cathcart, William Shaw, James Stewart, Alexander Seatoun, R. Dumfermling, the Master of Gray, Cheisley, James Halybrunton, James Colvill of Easter Weems, James Elphinstoun, George Douglas, Alexander Durhame, Robert Areskeen, Walter Stewart Prior of Blantyre, William Ruthwen Bellenden, William Murray, David Murray, James Fraser, Richard Heriot, Mr Thomas Hammiltoun, Walter Keer, Mr James Craig Minister, John Duncansone Minister, Peter Young.

Observations upon the Confession.

In this Confession of Faith, under the name of *Hierarchie*, is condemned Episcopal Government. The Councel of Trent thundereth Anathema against those, who would not acknowledge, that there is in the Catholic Kirk an Hierarchie, instituted by Divine ordinance, consisting of Bishops, Presbyters and Deacons. This is that *Hierarchie* of the *Roman Antichrist*, which is here condemned.

When in the Confession of Faith we professe, that we abhorre & detest particular heads, as they are now damned by the Word of God and Kirk of *Scotland*, do we not protest, that we detest & abhorre Episcopal Government, which was damned not only by doctrine in pulpits, but by acts of the Assemblies, and articles of the Book of Policie?

The Discipline to be maintained by this Confession, is not the Episcopal Government, but the jurisdiction of Kirk Sessions, Presbyteries, Synodal Assemblies and General, agreed upon before, when the Book of Policie was approved in the Assemblies.

This Confession is an appendix to the first Confession, and comprehendeth it in a general clause in the beginning; and so both are but one.

and he that subscribeth the one, subscribeth the other; & therefore our Confession of faith is not wholly negative, but partly affirmative, partly negative.

A charge was subscribed by the King the second of *March*, whereby subjects of all ranks were charged to subscribe the Confession, which He and his house had subscribed.

The Laird of *Capringtoun* presented the Kings Letter to the General Assemblie, convened at *Glasgow* the twenty fourth of *Aprile*, containing a Commission to concur with the Assembly, together with certain rolles concerning planting of Kirks, with the Kirks of every Presbyterie. The instructions were directed with advice of the Lords of Secrer Council, and dated the twenty of *Aprile* 1581. He is instructed to deliver the King's Letter to the Assemblie, and to let them understand, that he caused certain of the Council to confer at several times, in *October* last, and of late, with such as craved an answer to the Articles sent from the Assemblie holden at *Dunder* in *July* last, who all finde the matter concerning the thirds of the benefices, mentioned in the first of the said Articles, as they required, not to be the readiest meane, either to make the Ministers assured of their livings and stipends, or to make Him any reasonable support thereby, for relief of the common charges of the Estate, there being so great alteration and diminution of the rents, and so great confusion otherwayes entered in that matter, during these twenty years and more now by past, that there behoved a forme and order to be prescribed, more likely to have continuance to the posterity to come, to remove all occasions of complaint: for the furtherance whereof, there is by commandment and advice of such of the Council and Ministrie, as conferred in that purpose, some forme drawn, how Eldershops may be constituted of a certain number of Parishes lying together, small parishes united & great divided, for the better sustentation of the Ministrie, and the more commodious resort of the people to their Kirk. That there is also drawn the forme of a Letter of his Majesties, to be written to some of the principal Noblemen and Gentlemen, & certain of the Ministers within the bounds of every Eldership, to convene, advise and report to him their advice, in things required in the said Letter, betwixt and the twenty fourth day of *June* next: That he require the Assemblie, in His name, to consider the matter, and to send their judgment and opinion, concerning this intended work, and of any thing they would wish either to be added, or diminished in the forme of His Letter, or otherwayes, before the same shall be directed. Whereanent if care and diligence be taken by them, as it is His intention, God willing, to do to the furtherance thereof, He hath not doubt, but God shall send fruitful successe of His travels, the removing of the great disorder and confusion, now standing for want of reformation. Then followeth

These Grounds, advised well and agreed upon, apparently shall not only in reasonable time, make the Ministers to be surely provided of their livings, but it shall bring the Ecclesiastical Discipline to be far better exercised and executed throughout all this Realme, then it is presently, it being declared first, what every Presbyterie may cognosce upon: Next, what shall be tried in every Synodal Assembly. And last, what causes shall be devolved to the Gen. Assemblie, & what Persons shall ordinarily need to repair to the same. The report of these our Letters returning againe the sooner, it may be provided with diligent travel, that the good order now

1581.

A Charge
to subscri-
be the
Confession

The Kings
instructi-
ons to Ca-
pringtoun.
A General
Assemblie.

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intended, may take beginning at the first day of *November* next, without farther delay. And if our Parliament upon any necessary occasion shall be convened in the meane time, the same order, or so much thereof as shall be in readines, may be past, and approved in forme of law. Here ye see, the King was as forward and bent to the erection & constituting of Presbyteries, as the Ministrie would wish.

Farther, the King directeth his Commissioner to signifie to the Assemblie, that he hath caused, & yet will cause, the Conference to be kept for promoting of all things requisite, that may set forward the Policie, till the same be established by Law. Moreover, he shall let the Assembly understand, that in the particular Conference by gone, sundrie matters have been agreed upon in general termes, as they were talked upon, and put in memorial; but yet are not put in such forme and termes, as were meet, to put them in articles to the Estates in Parliament, to be past and approved as particuler Lawes: And specially let the Assemblie appoint some of their number, to extend and put the Articles in such forme and order, as they would wish them to be past in Parliament, specially in these heads &c.

That they give their opinion & advice concerning that portion of rents pertaining to Kirks, before the alteration of Religion, which they think shall fall to Us, in case all benefices were now vacant; and in the meane time, till that be, what We shall have yearly, for support of our Estate & publick affairs of our Realme.

That they consider, how the taxe for the spiritual mens part shall be payed in time coming.

As also to make Us some likely and good overture, for the persons that shall occupy the spiritual place in our Parliament, in time coming, after the decease of the present possessors of the places, in respect of the great decay of the rents thereof.

That the Assemblie give their advice upon the forme of Presentation, which we shall give to him that is to be provided to a benefice; if this order take effect, to whom our presentation shall be directed? what shall be the forme and order of the trial? and how the person presented shall be tried? and what shall be the forme of Admission or Collation?

For a ground, these Heeds are to be considered.

That besides the Diocie of *Argile* and the *Isles*, of which bounds never rentals were yet given up; there are in *Scotland* above nine hundred twenty four Kirks; of these sundrie are pendicles and small parishes, and many Kirks are demolished: Some parishes are also of greater bounds, then that the parishoners may conveniently convene to the parish Kirk. It hath been thought good therefore to reduce the nine hundred twenty and four Kirks to six hundred, and that every Kirk have a Minister, their stipends and living to be modified in four degrees; one hundred at five hundred Merks the piece; two hundred at three hundred Merks the piece, two hundred at an hundred Pounds the piece; one hundred at an hundred Merks the piece, or somewhat more or lesse, as it may be neer these summes beneath, or above.

All stipends and livings to be modified according to the possibilitie of the rent payed in that place.

These considerations are to be taken, although all the benefices were presently vacant.

Where the parsonage & vicarage pension, at any Kirk, are now several benefices, to be all united and annexed in one, for the better sustaining of the Ministrie there.

These six hundred Kirks to be divided in fifty Presbyteries, twelve joined in every presbytery.

Three of these Presbyteries, or more or fewer as the Countrey lyeth, to make a Diocie, according to the forme after following to be considered of.

The Synodal Assemblie shall consist of a number of Presbyteries, and every Synodal Assemblie shall appoint the place within that Province for the next Synodal.

The General Assemblie shall consist of Persons direct from the Synodal Assemblies.

Kirks divided to be provided to one man, and if these be annexed to any other benefices, the to be dissevered out of the provisions of the Persons to be provided to these benefices, when they vaie

The Kirks divided *inter prebendarios*, to be given to Ministers, as they vaie.

All benefices provided to Ministers, to be divided, the year of their decease, equally between their wives, children or executors, and the intrant Ministers.

Young men, newly come from Schooles, shall be only provided to benefices and stipends of the lowest degree, and the eldest and of greatest learning, judgment and experience, shall be promoted or translated to the highest rank, and so ascend *gradatim*, as they shall be judged and tried worthie, from three years to three years, for the better eschewing of ambition and avarice; and that the charge of the greatest Congregations shall not be committed to the youngest Ministers, at the first, nor they preferred to the elder of greater gravitie and judgment, at the first.

The state of all Prebendries to be cognosced and considered, which of them are founded upon the tithes of Parish Kirks, and which are temporal lands, to the effect, that such prebendries, as are founded upon tithes, may accresse to the living of the Ministers serving at the Kirk, and the other may be provided for the help of the Schooles, in the best forme that may be devised.

And likewise that laick patronages shall remain whole and undivided, except it be with consent of the Patron.

A forme of the Presbyteries and Synods.

| | | | |
|-------------|------------|-------------|-------------|
| Tinguel. | } Orkney. | Bamfe. | } Bamfe. |
| Kirkwal. | | Deer. | |
| Week. | } Cathnes. | Kildrinnie. | } Aberdeen. |
| Dornoch. | | Aberdeen. | |
| Channonrie. | } Rosse. | Innerurie. | } Aberdeen. |
| Tayne. | | Kincardine. | |
| Dinguel. | } Murray. | Dundie. | } Angus. |
| Forress. | | Kermure. | |
| Elgine. | | Brechen. | |
| Inverness. | | | |

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|---------------------|---|--------------------|-----------------------|---|------------------|
| <i>Bervie.</i> | } | <i>Mearnes.</i> | <i>Melros,</i> | } | <i>Peebles.</i> |
| <i>Fordun.</i> | | | <i>Peebles.</i> | | |
| <i>Perth.</i> | } | <i>Dunkeld.</i> | <i>Bigger.</i> | | |
| <i>Dunkeld.</i> | | | <i>Lanerck.</i> | } | <i>Glasgow.</i> |
| <i>Creif.</i> | | | <i>Glasgow.</i> | | |
| <i>St Andrews.</i> | } | <i>St Andrews.</i> | <i>Dumbartoun.</i> | | |
| <i>Falkland.</i> | | | <i>Air.</i> | } | <i>Air.</i> |
| <i>Dumfermline.</i> | | | <i>Iruing.</i> | | |
| <i>Stirling.</i> | } | <i>Edinburgh.</i> | <i>Maybol.</i> | | |
| <i>Linlithgow.</i> | | | <i>Cammonel.</i> | } | <i>Galloway.</i> |
| <i>Edinburgh.</i> | | | <i>Whitterne.</i> | | |
| <i>Dalkeith.</i> | | | <i>Kirkcudbright.</i> | | |
| <i>Hadintoun.</i> | } | <i>Hadintoun.</i> | <i>Dumfreis,</i> | } | <i>Dumfreis.</i> |
| <i>Dumbar.</i> | | | <i>Penpont.</i> | | |
| <i>Chirneside.</i> | } | <i>Jedburgh.</i> | <i>Lochmabane.</i> | | |
| <i>Dunce.</i> | | | <i>Annand.</i> | | |
| <i>Kelfo.</i> | | | | | |
| <i>Jedburgh.</i> | | | | | |

The As-
semblies
answers.

The Assemblie entered first in Consideration of the Answers, made to the Articles of the Assembly holden at *Dundee*, and thought good, that these Articles be insisted upon with his Highness & Council. First, to appoint a judge in *Edinburgh*, to cognosce and judge upon the injuries and wrongs done to Ministers in execution of their Office, and to punish according to the qualitie of the Crime. 2. That an Act of Parliament may be made concerning the deposition of Ministers, and the causes at length to be expressed. 3. That vacant Benefices be disposed to Ministers at the Kirk, where the Benefice vaiketh, if they be able, according to their meaning, who conferred at *Stirling*.

As for the forming of the Articles agreed upon in the Conference, the Assembly appointeth *Mr Robert Pont*, *Mr David Lindsay*, *Mr John Skeen*, *Mr Thomas Craig*, *Mr John Craig*, to this effect.

Some Brethren were appointed to consider the rolles given in by *Cupringtoun*, concerning the planting of Kirks and the number of the Presbyteries, with the Kirks of every Presbyterie, and to report what they think meet to be reformed therein. A great part of the said rolles being reproduced with their judgment, so far as they could presently resolve in such shortness of time, till they be farther resolved with advice of their Countreyes, the whole Assemblie in the eight Session thought meet, that a beginning be had of the Presbyteries instantly, in the places after following, to be exemplars to the rest, which may be established hereafter, *Videlicet*, at *Edinburgh*, *St Andrews*, *Dundie*, *Perth*, *Stirling*, *Glasgow*, *Air*, *Iruing*, *Hadintoun*, *Dumbar*, *Chirneside*, *Linlithgow*, *Dumfermline*. To some of these Presbyteries were assigned twelve, to some sixteen, to some twenty, to some twenty four Kirks, as the Brethren deputed to joine them thought meetest, all better advice behad. And to the effect that this order of Elderships may be established in the said Towns, in convenient and expedient manner, the Assemblie nominat the Brethren underwritten, to take care and travell to see the same constitute, between and the last of *May* next to come.

Videlicet

Videlicet, for *Lothian*, *Mr Robert Pont*, *Mr Adam Johnstoun*, *Mr James Carmichael*: For *Fife*, *David Fergusone*, *Mr Thomas Buchanan*: For *Angus*, the *Laird of Dunn*, *William Christisone*, *James Andersone*. *Mr James Melvine*: For *Stirling* and *Linlithgow*, *Mr Robert Montgomrie*, *John Duncansone*, the *Bishop of Dunblane*: For *Glasgow*, *Mr Andrew Hay*, *Mr Thomas Smetoun*, *Mr Andrew Polwart* and the *Bishop of Glasgow*: For *Air* and *Iruing*, *Mr John Porterfield*, *Mr John Young*, *John Makcorne*: For *Merce*, *John Clappertoun*, *Patrick Gaites*: For *Perth*, the *Ministers* there, *Mr William Rind*, *Mr William Edmiston*.

The Assemblie giveth full Power and Commission to their beloved Brethren *Mr Robert Pont*, *Mr James Lowson*, *Mr David Lindsey*, *Mr John Craig*, *John Duncansone*, *Mr Adam Johnstoun*, *John Brand*, *John Durie*, *Mr Walter Balcanquel*, to Advise upon the Articles and Petitions given - in by the Kings Majesties Commissioner, in so far as they are yet unresolved in full Assemblie, and to crave the judgment of the best learned they can have, and conceive a formal answer thereto in writ, to be presented by them to the next General Assemblie, to the effect the Kings Majestie and Council may receive a direct and solide answer to the same; as likewise to conferre & reason upon these Articles with such, as it pleaseth the King to depute thereto, if need be. And farther, to informe his Highness, how far the Assemblie hath proceeded, concerning the answer to his Highness Articles, and whereupon the Assemblie standeth, that his Highness may understand their willing concurrence with his Majesties good Intention, in establishing good Policie within the Kirk. The special information to be given to his Highness and Council shall be this, that the Assembly praiseth God greatly for his Majesties zealous and christian Affection, in promoting of good Order within the Kirk, with thanks to his Highness for the labours, which have been taken for the Constitution of Presbyteries, Union and Division of Kirks, wherein the Assemblie hath so far travelled, that certain Presbyteries are by them erected, some plats of Kirks are received, although not absolutly ended. The names also of the Persons, the Brethren think not meet to Unite and Divide the Kirks, in a part received, as shortness of time & presence of the Commissioners would permit: Certain persons appointed to forme the Articles agreed-on in Conference, the Advice of the Assemblie, concerning the directing of Presentations, that they be directed to Presbyteries. Herewith to crave of his Highness for performance of the work intended, that Prelacies be dissolved,

Sess. 6. Anent the Act made in the Assemblie holden at *Dundie*, against the Bishops, because some difficultie appeared to some Brethren to arise out of the Word, *Office*, contained in the said Act, what should be meant thereby; the Assemblie for the most part, that voted and were present at the Assemblie in *Dundie*, to take away this difficultie, resolving upon the true meaning and understanding of the Act, declareth, that they meant wholly to condemne the whole Estate of Bishops, as they are now in *Scotland*; and that the same was the Determination and Conclusion of the Assemblie at that time; they meane both the Spiritual and the Civil part.

The Assemblie ordaineth every Eldership, that is, Presbyterie, in their first Assemblie to be holden by them, to chuse out of their number a Moderator, to continue till the next Assemblie.

An Act
concerning
Moderators
of
Presbyteries.

1581.

Abbots &c
to be cited.An Act
concern-
ing Rea-
ders.The Con-
fession of
faith ap-
proved.The Book
of policie
registred.

For as much as Abbots, Commendarors, Priors, Prioreſſes and Biſhops, provided of old under the name of Eccleſiaſtical Perſons, enjoy the rents and revenues of the Kirk, without exercising any ſpiritual Function therein, or acknowledging the true Kirk, devouring the patrimonie of the ſame, and daily diminishing the Rents of their Benefices, the Aſſembly hath determined and ordained, that all ſuch perſons ſhall be cited by the Presbyteries, to compear before the next General Aſſembly, to ſubmit themſelves thereto, as they will answer to the Aſſembly.

For as much as in the Aſſembly preceeding, the Office of Readers was concluded to be no Ordinarie Office in the Kirk of God, and the Admission of them ſuſpended till this preſent Aſſembly, the Aſſembly in one voice hath voted and concluded, that in no time coming any Reader be admitted to the Office of a Reader.

Anent the Confeſſion of Faith, lately ſet forth by the Kings Majeſties Proclamation, and ſubſcribed by his Highneſs, the Aſſembly in one voice acknowledgeth the ſaid Confeſſion to be a True, Chriſtian & Faithful Confeſſion, to be agreed unto by ſuch as truly profeſſe Chriſt and His true Religion, and the tenor thereof to be followed out caſſoldlie, as the ſame is laid out in the Proclamation.

For as much as travels have been taken in the framing of the Policie of the Kirk, and diſverſe ſutes have been made to the Magiſtrat for the approbation thereof, which yet hath not taken the happie effect, that good men would wiſh; yet that the poſteritie may judge well of this preſent age, and of the meaning of the Kirk, the Aſſembly hath concluded, that the Book of Policie, agreed to in diſverſe Aſſemblies before, ſhould be Regiſtered in the Acts of the Kirk, and remaine there *ad perpetuam memoriam*, and the Copies thereof to be taken by every Presbyterie, of which Book the tenor followeth.

The Heeds and Concluſions of the Policie of the Kirk, agreed upon in the Aſſemblies preceeding, after ſundrie Conferences and often Diſputation and Reasoning, in many Aſſemblies, are as followeth.

C H A P. I.

Of the Kirk and policie thereof in General, and wherein it is different from the Civil Policie.

THe Kirk of God ſometime is largely taken, for all them that profeſſe the Evangel of Jeſus Chriſt, & ſo it is a company & fellowſhip not onely of the godly, but alſo of hypocrites, profeſſing alwayes outwardly the true Religion.

Other times it is taken for the godly and elect onely, and ſometimes for them that exerciſe ſpiritual function in the Congregation of them that profeſſe the Truth.

The Kirk in this laſt ſenſe hath a certain power granted by God, according to the which it uſes a proper Jurisdiction and Government, exerciſed to the comfort of the whole Kirke.

This power Eccleſiaſtical is an Authoritie granted by God the Father, through the Mediator Jeſus Chriſt, unto his Kirk gathered, & hath ground in the word of God to be put in execution by them, unto whom the Spiritual Government of the Kirk by lawful calling is committed.

The Policie of the Kirk flowing from this power, is an order or forme of Spiritual Government, which is exerciſed by the members, appointed thereto by the word of God: and therefore is given immediatly to the Office-bearers, by whom it is exerciſed to the good of the whole body.

This power is diverſly uſed; for ſometime it is ſeverally exerciſed, chiefly by the

Teachers

Teachers, sometime conjunctly by mutual consent of them that beare the office and charge, after the forme of judgement. The former is onely called *Potestas Ordinis*, and the other *Potestas Jurisdictionis*.

These two kinds of power have both one authority, one ground, one final cause; but are different in the manner, and forme of execution, as is evident by the speaking of our master in the 16 and 18 of Matthew.

This power and policie Ecclesiastical is different and distinct, in the own nature, from that Power and Policie, which is called Civil power, and appertaineth to the Civil government of the Commonwealth: albeit they be both of God, and tend to one end if they be rightly used, viz. to advance the glory of God, and to have godly and good subjects.

For this power Ecclesiastical floweth immediatly from God, and the Mediator Jesus Christ, and is spiritual, not having a temporal Head in the earth, but Christ, the onely Spiritual King and Governour of his Kirk.

It is a title falsely usurped by Antichrist, to call himself Head of the Kirk, & ought not to be attributed to Angel, nor man, of what Estate that ever he be, leaving to Christ the onely Head and Monarch in the Kirk.

Therefore this Power and Policie of the Kirk should leane upon the word immediatly, as the onely ground thereof, and should be taken from the pure fountains of the Scriptures, the Kirk hearing the voice of Christ, the onely spiritual King, and being ruled by his Lawes.

It is proper to Kings, Princes and Magistrats to be called Lords, and Dominators over their Subjects, whom they govern civilly: but it is proper to Christ onely to be called Lord and Master, in the spiritual Government of the Kirk; and all others that be office therein, ought not to usurp Dominion therein, nor be called Lords, but onely Ministers, Disciples, and Servants. For it is Christs proper office to Command and Rule his Kirk universallly, & every particular Kirk, through his Spirit and Word, by the ministrie of men.

Notwithstanding, as the Ministers and others of the Ecclesiastical Estate are subject to the Magistrate civil, so ought the Person of the Magistrate be subject to the Kirk spiritually, and in Ecclesiastical Government. And the exercise of both these jurisdictions cannot stand in one person ordinarie.

The Civil power is called the power of the Sword, and the other the power of the Keyes.

The Civil power should command the Spiritual to exercise, and to doe their office according to the word of God; The spiritual Rulers should require the Christian Magistrate to minister justice, and punish vice, and to maintaine the libertie and quietnes of the Kirk within their bounds.

The Magistrate commandeth external things for external peace and quietnes amongst the Subjects: The Minister handleth external things onely for Conscience cause.

The Magistrate handleth external things onely, and actions done before men: but the spiritual Ruler judgeth both inward affections, and external actions, in respect of Conscience, by the word of God.

The civil Magistrate craves and gets obedience by the Sword, and other external means: but the Ministrie, by the spiritual sword, and spiritual means.

The Magistrate neither ought to Preach, minister the Sacraments, nor execute the censures of the Kirk, nor yet prescribe any Rule, how it should be done; but command the Ministers to observe the Rule commanded in the Word, and punish the transgressors by Civil means. The Ministers exercise not the civil Jurisdiction, but teach the Magistrate, how it should be exercised according to the Word.

The Magistrate ought to assist, maintaine and fortifie the jurisdictions of the Kirk. The Ministers should assist their Princes, in all things agreeable to the word, providing they neglect not their own charge by involving themselves in civil affaires.

Finally, as Ministers are subject to the judgment and punishment of the Magistrate, in external things, if they offend: so ought the Magistrats to submit themselves to the Discipline of the Kirk, if they transgresse in matters of Conscience and Religion.

1581.

C H A P. II.

Of the Policie of the Kirk, and Persons and Office-bearers, to whom the Administration is committed.

AS in the civil Policie, the whole Commonwealth consisteth in them that are Governours, or Magistrates, and them that are Governed, or Subjects. So in the Policie of the Kirk, some are appointed to be Rulers, and the rest of the members thereof to be Ruled, and obey according to the word of God, and inspiration of his Spirit, alwayes under one Head and chiefe Governour, Jesus Christ.

Againe, the whole Policie of the Kirk consisteth in three things, in Doctrine, Discipline, and Distribution. With Doctrine is annexed the administration of Sacraments: and according to the parts of this Division, ariseth a sort of threefold officers in the Kirk, to wit, of Ministers Preachers, Elders Governours, and Deacons Distributers. And all these may be called by a general word, Ministers of the Kirk. For albeit the Kirk of God be ruled and governed by Jesus Christ, who is the onely King, High Priest, and Head thereof, yet he useth the ministry of men, as the most necessary mids for this purpose.

For so He hath from time to time, before the law, under the law, and in the time of the Evangel, for our great comfort, raised up men endued with the gifts of the Spirit, for the spiritual Government of His Kirk, exercising by them His own Power, through his Spirit and Word to the building up of the same.

And to take away all occasion of tyranny, He willeth that they should rule with mutual consent as brethren, with equalitye of power, every one according to their function.

In the new Testament, and time of the Evangel, He hath used the Ministerie of the Apostles, Prophets, Evangelists, Pastors, and Doctors, in administration of the Discipline: The Deaconship to have the care of the Ecclesiastical goods.

Some of these Ecclesiastical functions are Ordinary, & some Extraordinary or Temporarie. There be three extraordinary functions; The office of the Apostles, of the Evangelist, and of the Prophet, which are not perpetual, and now have ceased in the Kirk of God; except when it pleased God extraordinarily for a time to stirre some of them up againe.

There are foure ordinarie functions or offices in the Kirke of God, the office of the Pastor Minister or Bishop, the Doctor, the Presbyter or Elder, and the Deacon.

These offices are Ordinarie, and ought to continue perpetually in the Kirk, as necessarie for the Government and Policie thereof; and no moe offices ought to be received or suffered in the Kirk of God, established according to his Word.

Therefore all the ambitious titles, invented in the Kingdome of Antichrist, and in his usurped Hierarchie, which are not of one of these foure sorts, together with the offices depending thereupon, in one word ought to be rejected.

C H A P. III.

How the Persons, that beare Ecclesiastical functions, are to be admitted to their office.

VOcation or calling is common to all that should beare office within the Kirk, which is a lawful way, by the which qualified persons are promoted to any spiritual office within the Kirk of God.

Without this lawful calling it was never leasome to any person, to meddle with any function Ecclesiastical.

There are two sorts of Calling; one Extraordinary by God immediately, as was that of the Prophets and Apostles, which, in Kirks established, & already well reformed, had no place.

The other Calling is Ordinarie, which besides the Calling of God, and inward testimonie of a good Conscience, is the lawful approbation, and outward judgment of men, according to Gods Word, and order established in His Kirk.

None ought to presume to enter in any Office Ecclesiastical, without this good testimony before God, who onely knowes the hearts of men.

This ordinary and outward Calling hath two parts, Election and Ordination. Election is the choosing out of a person or persons, most able, to the Office that waikes, by the judgment of the Eldership, and consent of the Congregation, to which the person, or persons shall be appointed.

The Qualifications requisite in all them, who should beate charge in the Kirk, consist in Soundness of Religion, and Godliness of Life, according as they are sufficiently set forth in the Word.

In the order of Election is to be eschued, that any person be intruded in any Offices of the Kirk, contrary to the will of the Congregation, to which they are appointed, or without the voice of the Eldership.

None ought to be intruded, or placed in the Place already planted, or in any place that waikes not, for any worldlie respect: And that which is called the Benefice ought to be nothing else, but the stipend of the Ministers that are lawfully called.

Ordination is the Separation and sanctifying of the Person appointed to God and his Kirk, after he is well tried and found qualified.

The Ceremonies of Ordination are Fasting, earnest Prayer, and Imposition of hands of the Eldership.

All these, as they must be raised up by God, and by him made able for the work whereto they are called; so ought they to know their message to be limited within Gods word, without the bounds of the which they ought not to passe.

All these should take those titles and names onely (lest they be exalted and puffed up in themselves) which the Scriptures give unto them, as these which import labour, travel and work, and are names of offices and service, and not of idleness, dignity, worldly honour or prebeminence, which by Christ our Master is expressly reprov'd and forbidden.

All these Office-bearers should have their own particular Flocks, amongst whom they exercise their charge.

All should make residence with them, and take the inspection and oversight of them, every one in his vocation.

And generally these two things ought they all to respect: the Glorie of God, and edifying of his Kirk, in discharging their duties in their calling.

C H A P. IIII.

Of the Office-bearers in particular, and first of the Pastors or Ministers.

Pastors, Bishops, or Ministers, are they who are appointed to particular Congregations, which they rule by the word of God, and over the which they watch in respect whereof, sometime they are called Pastors, because they feed their Congregation; sometime *Episcopi*, or Bishops, because they watch over their Flocks; sometimes Ministers, by reason of their service and office; and sometimes also Presbyters or Seniors, for the gravity in manners, which they ought to have, in taking care of the spiritual government, which ought to be most deare unto them.

They that are called unto the Ministerie, or that offer themselves thereunto, ought not to be elected without some certain Flock assigned unto them.

No man ought to ingyre himselfe, or usurpe this Office without a lawful calling.

They who are once called by God, and duly elected by man, after that they have once accepted the charge of the Ministerie, may not leave their functions.

The desertours should be admonished, and in case of obstinacie finally excommunicated.

No Pastor may leave his Flock without licence of the Provincial, or National Assembly; which if he doe, after admonitions not obeyed, let the Censures of the Kirk strick upon him.

Unto the Pastors appertaines Teaching of the Word of God, in season and out of season, publicly & privatly, alwayes traveling to edifie, and to discharge his Conscience, as Gods Word prescribes to him.

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Unto the Pastors onely appertains the administration of the Sacraments, in like manner as the administration of the Word: For both are appointed by God, as meanes to teach, the one by the eare, and the other by the eyes, and other senses; that by both, knowledge may be transferred to the minde.

It appertains by the same Reason to the Pastor, to pray for the People, and namely, for the Flock committed to his Charge, and to blesse them in the Name of the Lord, who will not suffer the Blessings of his faithful Servants to be frustrate.

He ought also to Watch over the manners of the Flock, that he may the better apply the Doctrine to them, in reprehending the dissolute persons, and exhorting the godly to continue in the fear of the Lord.

It appertains to the Minister, after lawful proceeding by the Eldership, to pronounce the Sentence of Binding and Loosing upon any person, according unto the power of the Keyes granted unto the Kirk.

It belongs to him likewise, after lawful proceeding in the matter by the Eldership, to solemnize marriage betwixt them, that are to be joynd therein; and to pronounce the blessing of the Lord upon them, that enter into that holy band in the fear of God.

And generally all publick Denunciations, that are to be made in the Kirk, before the Congregation; concerning the Ecclesiastical affaires, belonging to the Office of a Minister: For he is as a Messenger and Herald betwixt God and the people, in all these affaires.

CHAP. V.

Of Doctors, and their Office, and of the Schooles.

ONE of the two Ordinary and perpetual Functions that travel in the Word, is the Office of the Doctor, who may be also called a Prophet, Bishop, Elder, Catechiser; that is, Teacher of the Catechisme, and Rudiments of Religion.

His office is, to open up the minde of the Spirit of God in the Scriptures, simply, without such applications as the Ministers use, to the end that the faithful may be instructed, and sound Doctrine taught, and that the purity of the Gospel be not corrupted through ignorance, or evil opinions.

He is different from the Pastor, not onely in name, but in diversity of gifts. For to the Doctor is given the word of knowledge, to open up, by simple teaching, the mysteries of faith; to the Pastor the gift of wisdom, to apply the same by exhortation to the manners of the Flock, as occasion craveth.

Under the name and office of a Doctor, we comprehend also the Order in Schooles, Colledges, and Universities, which hath been from time to time carefully maintained, as well among the Jewes and Christians, as among the prophane Nations.

The Doctor, being an Elder, as said is, should assist the Pastor, in the Government of the Kirk, and concurre with the Elders his Brethren, in all Assemblies; by reason the Interpretation of the Word, which is onely judge in Ecclesiastical matters, is committed to his charge.

But to preach unto the People, to minister the Sacraments, and to celebrate Marriages, pertaine not to the Doctor, unlesse he be otherwise called ordinarily: howbeit the Pastor may teach in the Schooles, as he, who hath the gift of knowledge, is oftentimes meet for that end, as the examples of *Polycarpus*, and others testify; &c.

CHAP. VI.

Of Elders, and their Office.

THE word Elder in the Scripture, sometime is the name of Age, sometime of Office. When it is the name of any Office, sometime it is taken largely, comprehending as well the Pastors and Doctors, as them who are called Seniors or Elders.

In this our division, we call these Elders, whom the Apostles call Presidents or Governours. Their office as it is ordinary, so is it perpetual, and always

necessary

necessarie in the Kirk of God. The Eldership is a spiritual Function, as is the Ministrie.

Elders once lawfully called to the office, and having gifts from God meet to exercise the same, may not leave it againe. Albeit such a number of Elders may be chosen in certain Congregations, that one part of them may relieve another, for a reasonable time, as was among the Levites, under the Law, in serving of the Temple.

The number of the Elders in every Congregation cannot well be limited, but should be according to the bounds and necessitie of the people.

It is not necessarie, that all Elders be also teachers of the Word, albeit the chiefe ought to be such; and so are worthie of double honour.

What manner of persons they ought to be, we referre it to the expresse word, and namely, to the Canons written by the Apostle Paul.

Their office is as well severally, as conjunctly, to watch diligently over the flock committed to their charge, both publickly, and privately, that no corruption of Religion, or manners, enter therein.

As the Pastors and Doctors should be diligent in teaching, and sowing the seed of the Word; so the Elders should be careful in seeking after the fruit of the same in the people.

It appertaines to them to assist the Pastor, in examination of them that come to the Lords Table: Item, in visiting the sick.

They should cause the Acts of the Assemblies, as well Particular as General, to be put in execution carefully.

They should be diligent in admonishing all men of their dutie, according to the rule of the Evangel.

Things that they cannot correct by private Admonitions, they should bring to the Eldership.

Their principal Office is to hold Assemblies with the Pastors and Doctors, who are also of their number, for establishing of good Order, and execution of Discipline, unto the which Assemblies all Persons are subject that remaine within their bounds.

CHAP. VII.

Of the Elderships, Assemblies, and Discipline.

Elderships and Assemblies are commonly constitute of Pastors, Doctors, and such as we commonly call Elders, that labour not in the Word and Doctrine, of whom, and of whose severall power hath been spoken.

Assemblies are of foure sorts. For either they are of particular Kirks and Congregations one or moe, or of a Province, or of a whole Nation, or of all and diverse Nations professing one Jesus Christ.

All the Ecclesiastical Assemblies have power to conveene lawfully together, for treating of things concerning the Kirk, and pertaining to their Charge.

They have power to appoint times, and places to that effect, and at one meeting to appoint the dyet, time and place to another.

In all Assemblies a Moderator should be chosen by common consent of the whole Brethren conveened, who should propound matters, gather the votes, and cause good order to be kept in the Assemblies.

Diligence should be taken, chiefly by the Moderator, that onely Ecclesiastical things be handled in the Assemblies, and that there be no meddling with any thing pertaining to the Civil Jurisdiction.

Every Assemblie hath power to send forth from them, of their own number, one or more Visitours, to see how all things be ruled in the bounds of their jurisdiction.

Visitation of moe Kirks is no ordinary Office Ecclesiastick, in the person of one man, neither may the name of a Bishop be attributed to the Visitor onely, neither is it necessary to abide alwayes in one mans Person; but it is the part of the Eldership to send out qualified Persons to visite *pro renata*.

The final end of Assemblies is, first, to keep Religion and Doctrine in puritie, without error and corruption. Next, to keep Comelineffe and good Order in the Kirk.

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For this Orders cause, they may make certaine Rules & Constitutions, appertaining to the good behaviours of all the members of the Kirk, in their vocation.

They have power also to abrogate and abolish all Statutes & Ordinances, concerning Ecclesiastical matters, that are found noysome and unprofitable, and agree not with the time, or are abused by the people.

They have power to execute Ecclesiastical Discipline and Punishment upon all transgressors, and proud contemners of the good order and policie of the Kirk: and so the whole Discipline is in their hands.

The first kinde and sort of Assemblies, although they be within particular Congregations, yet they exerce the Power, Authoritie and Jurisdiction of the Kirk with mutual consent, and therefore beare sometime the name of the Kirk.

When we speake of the Elders of the Particular Congregations, we mean not that every Particular Parish Kirk can, or may have their own particular Elderships, specially in Landward; but we think three, foure, moe or fewer particular Kirks may have one Eldership, common to them all, to judge their Ecclesiastical causes.

Yet this is meet, that some of the Elders be chosen out of every particular Congregation, to concurre with the rest of their Brethren in the Common Assemblie, and to take up the delations of offences within their owne Kirks, and bring them to the Assemblie.

This we gather out of the practice of the Primitive Kirk, where Elders or Colledges of Seniors were constitute in Cities and famous places.

The power of their particular Elderships is to use diligent labours, in the bounds committed to their charge, that the Kirks be kept in good order, to enquire diligently in naughtie and unruly persons, and travel to bring them in the way againe, either by Admonition or Threatning of Gods judgments; or by Correction.

It pertaines to the Eldership to take heed, that the Word of God be purely preached within their bounds, the Sacraments rightly ministred, the Discipline rightly maintained, and the Ecclesiastical Goods uncorruptly distributed.

It belongs to this Kinde of Assembly, to cause the Ordinances, made by the Assemblies Provincial, National, and General, to be kept, and put in execution.

To make Constitutions, which concerne *in* the Kirk, for the decent order of these particular Kirks, where they governe; Providing they alter no Rules made by the General, or Provincial Assemblies: and that they make the Provincial Assemblies foreseen of these Rules that they shall make, and abolish them that tend to the hurt of the same.

It hath power to excommunicate the Obstinate.

The Power of Election of them, who beare Ecclesiastical Charges, pertaines to this kinde of Assemblie, within their owne bounds, being well erected, and constitute of many Pastors, and Elders of sufficient abilitie.

By the like reason their Deposition also pertains to this kinde of Assembly, as of them that teach erroneous and corrupt Doctrine, that be of scandalous life, and after admonitions desist not, that be given to Schisme, or Rebellion against the Kirk, manifest Blasphemie, Simonie, Corruption of Bribes, Falshood, Perjurie, Whoredome, Theft, Drunkenesse, Fighting worthis of punishment by the Law, Usurie, Dauncing, Infamie, and all others, that deserve separation from the Kirk.

These also, who are altogether found Insufficient to execute that charge, should be deposed, whereof other Kirks should be advertised, that they receive not the persons deposed.

Yet they ought not be deposed, who through Age, Sicknesse, or other accidents, become unmeet to do their Office; in which case their honour should remain to them, their Kirk should maintaine them, and others ought to be provided to do their Office.

Provincial Assemblies we call lawful Conventions of the Pastors, Doctors, and other Elders of a Province, gathered for the common affaires of the Kirks thereof, which also may be called the Conference of the Kirk and Brethren.

These Assemblies are institute for weightie matters, to be handled by mutual consent and assistance of the Brethren within that Province, as need requires.

deposed

This Assembly hath power to handle, order, and redresse all things committed or done amisse in the particular Assemblies.

It hath power to depose the Office-bearers of that Province, for good and just causes deserving Deprivation.

And generally these Assemblies have the whole power of the particular Elderships, whereof they are collected.

The National Assembly, which is General to us, is a lawful Convention of the whole Kirks of the Realm or Nation, where it is used and gathered, for the common affaires of the Kirk, and may be called the General Eldership of the whole Kirks in the Realme. None are subject to repaire to this Assembly to vote, but Ecclesiastical persons to such a number, as shall be thought good by the same Assemblée, not excluding other persons, that will repaire to the said Assembly to Propone, Heare, and Reason.

This Assemblée is instituted, that all things either committed, or done amisse in the Provincial Assemblies, may be redressed and handled, and things generally serving for the good of the whole bodie of the Kirk within the Realme may be foreseene, treated, and set forth to Gods glorie.

It should take care, that Kirks be planted in places, where they are not planted.

It should prescribe the Rule, how the other two Kinds of Assemblies should proceed in all things.

This Assemblée should take heed, that the spiritual Jurisdiction, and Civil, be not confounded, to the hurt of the Kirk; That the Patrimoine of the Kirk be not consumed, nor abused; and generally concerning all weighty affaires, that concerne the weale and good order of the whole Kirks of the Realme, it ought to interpone Authoritie thereto.

There is besides these, an other more general kinde of Assemblée, which is of all Nations, and all Estates of Persons within the Kirk, representing the Universal Kirk of Christ, which may be called properly the General Assembly, or General Councell of the Kirk of God.

These Assemblies were appointed and called together specially, when any great Schisme or Controversie in Doctrine did arise in the Kirk: and were convocate at command of godly Emperours being for the time, for avoiding of Schismes within the Universal Kirk of God; which because they pertaine not to the particular estate of any Realme, we cease further to speake of them.

CHAP. VIII.

Of the Deacons and their Office, the last ordinary Function in the Kirk.

THE word *Deacon* sometimes is largely taken, comprehending all them that beare office in the Ministrie, and spiritual function in the Kirk.

But now, as we speake, it is taken onely for them, unto whom the collection and distribution of the Almes of the faithful, and Ecclesiastical goods doth belong.

The office of the Deacons so taken, is an ordinarie and perpetual Ecclesiastical function in the Kirk of Christ.

Of what properties and duties he ought to be, that is called to this function, we remit it to the manifest Scriptures.

The Deacon ought to be called and elected, as the rest of the spiritual Officers, of the which Election was spoken before.

Their Office and Power is to receive, and to distribute the whole Ecclesiastical Goods unto them, to whom they are appointed.

That they ought to do, according to the judgment, and appointment of the Presbyteries, or Elderships, (of the which the Deacons are not members) that the Patrimony of the Kirk and Poore, be not be converted to private mens uses, nor wrong fully distributed.

C H A P. I X.

Of the Patrimonie of the Kirk, and distribution thereof.

BY the Patrimonie of the Kirk, we meane whatsoever thing hath been at any time before, or shall be in times coming given, or by consent or universal custome of Countries, professing the Christian Religion, applyed to the publicke use & utilitie of the Kirk.

So that under the Patrimonie we comprehend all things given, or to be given to the Kirk and Service of God, as Lands, Buildings, Possessions, Annual rents, & all such like, wherewith the Kirk is doted, either by Donations, Foundations, Mortifications, or any other lawful titles of Kings, Princes, or any persons inferiour to them, together with the continual Oblations of the faithful.

We comprehend also all such things, as by Lawes or Custome, or use of Countries, have been applied to the use and utility of the Kirk; of the which sort are Tindes, Manfes, Gleibs, and such like, which by common and municipal lawes, & universal custome, are possessed by the Kirk.

To take any of this Patrimonie by unlawful meanes, and convert it to the particular and profane use of any Person, we hold it a detestable Sacrilege before God.

The goods Ecclesiastical ought to be collected, and distributed by the Deacons, as the Word of God appoints, that they who beare Office in the Kirk be provided for, without care or sollicitude.

In the Apostolical Kirk, the Deacons were appointed to collect and distribute what summe soever was collected of the faithfull, to distribute unto the necessitie of the Saints, so that none lacked amongst the faithful.

These collections were not onely of that, which was collected in manner of Almes, as some suppose, but of other Goods moveable, and unmoveable, of Lands and Possessions, the price whereof was brought to the feet of the Apostles.

This Office continued in the Deacons hands, who intromitted with the whole Goods of the Kirk, and ay until the Estate thereof was corrupted by Antichrist, as the ancient Canons beare witness.

The same Canons make mention of a fourefold distribution of the Patrimonie of the Kirk, whereof one part was applied to the Pastor or Bishop, for his Sustentation and Hospitality: Another to the Elders and Deacons, and all the Clergie; the third for the Poore, Sick Persons & Strangers; the fourth to the upholding of other Affaires of the Kirk, specially Extraordinarie.

We adde hereunto the Schooles & Schoolmasters also, which ought & may be well sustained of the same goods, and are comprehended under the Clergie. To whom we joyn also Clerks of Assemblies, as well Particular as General. Syndicks or Procurators of the Kirk affaires, takers-up of Psalmes, and such like other ordinary Officers of the Kirk; so farre as they are necessary.

C H A P. X.

Of the Office of a Christian Magistrate, in the Kirk.

ALthough all the members of the Kirk be holden, every one in their vocation, and according thereto, to advance the Kingdome of Jesus Christ, so far as lyeth in their power; yet chiefly Christian Princes, and other Magistrates, are holden to doe the same.

For they are called in the Scripture, Nourishers of the Kirk, for so much as by them it is, or at least ought to be Maintained, Fostered, Upholden, and Defended against all that would procure the hurt thereof.

So it pertaines to the Office of a Christian Magistrate, to assist and fortifie the godly proceedings of the Kirk, in all behalfe; & namely to see that the publick Estate and Ministerie thereof be maintained and sustained, as it appertaines, according to Gods Word.

To see that the Kirk be not invaded, nor hurt by false Teachers, and Hirelings, nor the roomes thereof occupied by dumb dogs, or idle bellies.

To assist

To assist and maintaine the Discipline of the Kirk, and punish them civilly, that will not obey the censure of the same, without confounding alwayes the one Jurisdiction with the other.

To see that sufficient provision be made for the Ministerie, the Schooles and the Poore: And if they have not sufficient to awaite upon their charges, to supply their indigence even with their own rents, if need require.

To hold hand as well to the saving of their Persons from injurie, and open violence, as to their Rents and Possessions, that they be not defrauded, robbed, nor spoiled thereof.

Not to suffer the patrimony of the Kirk to be applyed to profane and unlawful uses, or to be devoured by idle bellies, & such as have no lawful function in the Kirk, to the hurt of the Ministry, Schooles, Poore, and other godly uses, whereupon the same ought to be bestowed.

To make Lawes and Constitutions agreeable to Gods Word, for advancement of the Kirk, and Policie thereof, without usurping any thing that pertains not to the civil Sword, but belongs to the Offices that are meerly Ecclesiastical, as is the ministerie of the Word and Sacraments, using Ecclesiastical Discipline, and the Spiritual Execution thereof, or any part of the Power of the spiritual keyes, which our Master gave to the Apostles, & to their true Successours.

And although Kings and Princes that be godly, some times by their own authority, when the Kirk is corrupted, and all things out of order, place Ministers, and restore the true Service of the Lord, after the example of some godly Kings of *Juda*, and divers godly Emperours, & Kings also, in the light of the new Testament. Yet where the Ministerie of the Kirk is once lawfully constitute, and they that are placed doe their office faithfully, all godly Princes and Magistrates ought to heare & obey their voice, and reverence the Majestie of the Son of God speaking in them.

CHAP. XI.

Of the present abuses remaining in the Kirk, which we desire to be reformed.

AS it is the duty of the godly Magistrate to maintain the present Liberty, which God hath granted by the preaching of his Word, and the true administration of the Sacraments within this Realme: So it is to provide, that all abuses which yet remaine in the Kirk be removed, and utterly taken away.

Therefore first the admission of men to Papistical titles of benefices, such as serve nor, nor have no function of the Reformed Kirk of Christ, as Abbotes, Commendators, Priors, Priorelles, and other titles of Abbacies, whose places are now for the most part by the just judgment of God demolished, and purged of idolatry, is a plaine abuse, and is not to receive the Kingdom of Christ amongst us, but rather to refuse it.

Such like that they that of old were called the Chapters and Convents of Abbeys, Cathedral Kirks, and like places, serve for nothing now, but to set fewes and tacks, if any thing be left of the Kirk lands and teinds, in hurt and prejudice thereof, as daily experience teacheth; and therefore ought to be utterly abrogate and abolished.

Of the like nature are the Deanes, Archdeacons, Chantours, Subchantours, Thesaurers, Chancellors, and others having the like titles, flowing from the Pope & Canon Law onely, who have no place in the reformed Kirk.

The Kirks also which are united together, and joyned by annexation to their benefices, ought to be separated and divided, and given to qualified Ministers, as Gods word craves.

Neither ought such abusers of the Kirks Patrimony to have vote in Parliament, nor sit in Councel, under the name of the Kirk and Kirkmen, to the hurt and prejudice of the liberty thereof, and lawes of the Realme, made in favour of the Reformed Kirk.

Much lesse is it lawfull, that any Person amongst these men should have five, six, teen, twenty or more Kirks, all craving the charge of soules, and enjoy the patrimony thereof, either by admission of the Prince, or of the Kirk, in this light of the

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Evangel. For it is but a mockage to crave reformation, where such like have place. And in so far, as in the order taken at *Leith* in the yeare of our Lord 1571, it appears that such may be admitted, being found qualified; either that pretended order is against all good order, or else it must be understood not of them that be qualified in worldly affaires, or to serve in Court, but of such as are qualified to teach Gods word, having their lawful admission of the Kirk.

As to Bishops, if the name *Episcopatus* be properly taken, they are all one with the Ministers, as before was declared. For it is not a name of Superiortie, and Lordship, but of Office and Watching.

Yet because in the corruption of the Kirk, this name (as others) hath been abused, and yet is likely to be, we cannot allow the fashion of these new chosen Bishops, neither of the Chapters, that are Electors of them to such an office, as they are chosen unto.

True Bishops should addiect themselves to a particular Flock, which sundry of them refuse; neither should they usurpe Lordship over their Brethren, and over the inheritance of Christ, as these men doe.

Pastors, in so far as they are pastors, have not the office of Visitation of moe Kirks joyned to the Pastorship, without it be given to them.

It is a corruption, that Bishops should have further bounds to visite, nor they may lawfully.

No man ought to have the Office of Visitation, but he that is lawfully chosen thereunto.

The Elderships, being well established, have power to send out Visitours one or moe, with commission to visite the bounds within their Eldership, & likewise, after account taken of them, either continue them, or remove them from time to time, to the which Elderships they should be alwayes subject.

Criminal jurisdiction in the Person of a Pastor, is a corruption.

It agreeth not with the Word of God, that Bishops should be Pastors of Pastors, Pastors of many flocks, and yet without a certain Flock, and without ordinary teaching.

It agreeth not with the Scriptures, that they should be exeemed from the Correction of their Brethren, and Discipline of the particular Eldership of the Kirk, where they shall serve, neither that they usurpe the Office of Visitation of other Kirks, nor any other Function beside other Ministers, but so far as shall be committed to them by the Kirk,

Wherefore, we desire the Bishops that now are, either to agree to that order, that Gods Word requires in them, as the General Kirk will prescribe unto them, nor passing their bounds, either in Ecclesiastical or Civil Affaires; or else to be Deposed from all Function in the Kirk.

We denie not, in the meane time, but Ministers may and should assist their Princes when they are required, in all things agreeable to the Word, whether it be in Council or Parliament, or otherwayes; providing alwayes they neither neglect their owne Charges, nor through flattery of Princes, hurt the publick Estate of the Kirk.

But generally we say, no Person, under whatfomever Title of the Kirk, and specially the abused Titles in Papistrie, Prelats, Convents, and Chapters, ought to attempt any act in the Kirks name, either in Council, or Parliament, or out of Council, having no commission of the reformed Kirk within this Realme.

And by Act of Parliament it is provided, that the Papistical Kirk and Jurisdiction should have no place within the same, and no Bishop nor other Prelate, in times coming, should use any Jurisdiction flowing from his Authority.

So we esteem holding of Chapters in a Papistical manner, either in Cathedral Kirks, Abbayes, Colledges, or other Conventual Places, usurping the Name of the Authority of the Kirk, to hurt the Patrimoine thereof, or use any other Act to the prejudice of the same, since the Year of our Lord 1560. to be an abuse and corruption, contrarie to the Libertie of the true Kirk, and Lawes of the Realme, and therefore ought to be annulled, reduced, and in times coming utterly discharged.

The dependances also of the Papistical jurisdiction are to be abolished, of the which sort is mixed jurisdiction of the Commissars, in so far as they meddle with Ecclesiastical matters, and have no commission of the Kirk thereto, but were elected in time of our Sovereign's Mother, when things were out of order. It is an absurd thing, that several of them having no function of the Kirk, should be judges to Ministers, and depole them from their places. Therefore they either would be discharged to meddle with Ecclesiastical matters; or it would be limited to them in what matters they might be judges, and not hurt the libertie of the Kirk.

They also that formerly were of the Ecclesiastick Estate in the Popes Kirk, or that are admitted of new to the Papistical Titles, and now are tollerated by the Lawes of the Realme to possesse the two parts of their Ecclesiastical rents, ought not have any further liberty, but to intromet with the portion, assigned and granted to them for their life times, and not under the abused titles, which they had, to dispoise the Kirk rents, set tackes and fewes thereof, at their pleasure, to the great hurt of the Kirk and poor labourers, that dwell upon the Kirk lands, contrarie to all good conscience and order.

CHAP. XII.

Certain special heads of Reformation, which we crave.

Whatsoever hath been spoken of the Offices of the Kirke, of the Several Power of the office bearers, of their Conjunct Power also, & lastly of the Patrimoine of the Kirk, we understand it to be the right Reformation, which God craves at our hands, that the Kirk be ordered according thereto, as with that order, which is most agreeable to the word.

But because something would be touched in particular, concerning the estate of the Country, and that which we principally seek to be reformed in the same, we have collected them in these heads following.

Seing the whole Country is divided in Provinces, and these Provinces againe are divided in Parishes, as well in Landward, as in Townes; in every Parish and reasonable Congregation, there would be placed one or moe Pastors to feed the flock, and no Pastor or Minister alwayes to be burdened with the particular charge of moe Kirks or Flockes then one alone.

And because it will be thought hard to finde out Pastors or Ministers to all the Paroch Kirks of the Realm, as well in Landward, as in Townes; we think by the advice of such, as commission may be given to by the Kirk and Prince, Parishes in Landward or small villages may be joyned, two or three or more, in some places, together, and the principal and most commodious Kirks to stand, and be repaired sufficiently, and qualified Ministers placed thereat; and the other Kirks, which are not found necessary, may be suffered to decay, their Kirk yards alwayes being kept for buriall places, and in some places where need requires, a Parish, where the Congregation is over great for one Kirk, may be divided in two or moe.

Doctors would be appointed in Universities, Colledges, and in other places needful, and sufficiently provided for, to open up the meaning of the Scriptures, and to have the charge of Schooles, and teach the Rudiments of Religion.

As for Elders, there would be some to be Censurers of the manners of the people, one or moe in every Congregation, but not an Assemblie of Elders in every particular Kirk, but onely in Townes, and famous places, where resort of men of judgement & abilitie to that effect may be had, where the Elders of the particular Kirks about may convene together, and have a Common Eldership, and Assemblie-place among them, to treat of all things that concerne the Congregations, of which they have the oversight.

And as there ought to be men appointed to unite and divide the Parishes, as necessity and commodity requires: So would there be appointed by the general Kirk, with assent of the Prince, such men as feare God, and know the estate of the Countreies, that were able to nominate and designe the places, where the particular Elderships should convene, taking consideration of the Diocesess, as they were divided of old, and of the estate of the Countreies, and Provinces of the Realme.

Likewise concerning Provincial and Synodal Assemblies, consideration were easie to be taken, how many and in what places they were to be holden; and how oft they should convene, ought to be referred to the liberty of the General Kirk, and order to be appointed therein.

The National Assemblies of this Country, called commonly the General Assemblies, ought alwayes to be retained in their own liberty, and have their own place.

With power to the Kirk to appoint times and places convenient for the same, and all men, as well Magistrates, as Inferiours, to be subject to the judgement of the same, in Ecclesiastical causes, without any reclamation or appellation to any Judge, Civil or Ecclesiastical within the Realme.

The libertie of the election of persons, called to the Ecclesiastical functions, and observed without interruption, so long as the Kirk was not corrupted by Antichrist, we desire to be restored and retained within this Realm.

So that none be intruded upon any Congregation, either by the Prince, or any inferior Person, without lawful election, and the assent of the people, over whom the person is placed; as the practice of the Apostolical and Primitive Kirk, and good Order crave.

And because this order, which Gods word craves, cannot stand with Patronages and presentations to benefices, used in the Popes Kirk, we desire all them, that truly feare God, earnestly to consider, that for as much as the names of Patronages and Benefices, together with the effect thereof, have flowed from the Pope, and corruption of the Canon Law onely, in so far as thereby any Person was intruded or placed over Kirks having *curam animarum*.

And for as much as that manner of proceeding hath no ground in the word of God, but is contrary to the same, and to the said liberty of Election, they ought not now to have place in this light of Reformation. And therefore, whosoever will embrace Gods Word, and desire the Kingdome of his Son Christ Jesus to be advanced, they will also embrace, and receive that Policie and Order, which the Word of God, and upright Estate of his Kirk crave, otherwise it is in vaine that they have professed the same.

Notwithstanding as concerning other Patronages of benefices, that have not *curam animarum*, as they speak, such as are Chaplainries, Prebendaries founded upon temporal lands, annuals, and such like, may be reserved unto the ancient Patroners, to dispone hereupon, when they waike, to Schollers and Bursers, as they are required by act of Parliament.

As for the Kirk rents in general, we desire that order be admitted and maintained amongst us, that may stand with the sincerity of Gods Word, and practice of the purity of the Kirk of Christ.

To wit, that as was before spoken, the whole rent and patrimony of the Kirk, excepting the small patronages before mentioned, may be divided in foure portions: one thereof to be assigned to the Pastor, for his entertainment, and hospitalitie; another to the Elders, Deacons and other Officers of the Kirk, such as Clerks of Assemblies, Takers up of the Psalmes, Beadels and keepers of the Kirk, so farre as is necessarie; Joyning with them also the Doctors and Schooles, to help the ancient foundations, where need requires: the third portion to be bestowed upon the poor members of the faithful, and on hospitals: The fourth for reparation of the Kirks, and other extraordinarie charges, as are profitable for the Kirk, and also for the Commonwealth, if need require.

We desire therefore the Ecclesiastical goods to be uplifted, and distributed faithfully to whom they appertaine, and that by the ministerie of the Deacons, to whose office properly the collection and distribution thereof belongs, that the poor may be answered of their portion thereof, and they of the Ministry live without care and solicitude: as also the rest of the treasure of the Kirk may be reserved, and bestowed to their right uses.

If these Deacons be elected with such qualinies, as Gods Word craves to be in them, there is no feare, that they shall abuse themselves in their office, as the prophane Collector did before.

Yet because this vocation appeareth to many to be dangerous, let them be obliged as they were of old, to give a yearly account to the Pastors and Eldership, & if the Kirk and Prince think expedient, let cautioners be obliged for their fidelity, that the Kirk rents no wayes be dilapidat.

And to the effect this order may take place, it is to be provided, that all other Intromitters with the Kirk rent, Collectors general or special, whether it be by appointment of the Prince, or otherwayes, may be denuded of further intromission therewith, and suffer the Kirk-rents in time coming to be wholly intromitted with by the ministry of the Deacons, and distribute to the use before mentioned.

And also to the effect, that the Ecclesiastical rents may suffice to these uses, for the which they are to be appointed; We thinke it necessary to be desired, that all Alienations, Setting of fewes, or tacks of the rents of the Kirk, as well Lands as Teinds, in hurt and diminution of the old rentals, be reduced and annulled, and the Patrimony of the Kirk restored to the former old liberty.

And likewise, that in times coming the Teinds be set to none, but to the labourers of the ground, or else not set at all; as was agreed upon, and subscribed by the Nobility before.

CHAP. XIII.

The utilitie that shall flow from this reformation to all Estates.

Seeing the end of this spiritual Government and Politie, whereof we speak, is, that God may be glorified, the Kingdome of Jesus Christ advanced, and all who are of his mystical body, may live peaceable in conscience: Therefore we dare boldly affirm, that all those, who have true respect to these ends, will even for conscience cause gladly agree and conforme themselves to this order, and advance the same, so farre as lyeth in them, that their conscience being set at rest, they may be replenished with spiritual gladnesse, in giving full obedience to that which Gods Word, and the testimony of their own conscience do crave; and in refusing all corruption contrary to the same.

Next, we shall become an example & patterne of good & godly Order to other Nations, Countries, and Kirks, professing the same Religion with us, that as they have glorified God in our continuing in the sincerity of the Word hitherto, without any errours, (praise be to his name;) So they may have the like occasion in our Conversation, when as we conforme our selves to that Discipline, Politie, and good Order, which the same Word, and purity of Reformation crave at our hands. Otherwise that fearful sentence may be justly laid to us, *The servants knowing the will of his Master, and not doing it, &c.*

Moreover, if we have any piety or respect to the poor members of Jesus Christ, who so greatly increase and multiply amongst us, we will not suffer them to be longer defrauded of that part of the Patrimony of the Kirk, which justly belongs unto them: and by this order, if it be duely put to execution, the burden of them shall be taken off us, to our great comfort; the streets shall be cleansed of the cryings & murmurings of them, as we shall no more be any scandal to other Nations; as we have hitherto been, for not taking order with the poor amongst us, and causing the Word which we profess to be evil spoken of, giving occasion of slander to the Enemies, and offending the Consciences of the simple and godly.

Besides this, it shall be a great ease and commodity to the whole Common people, in relieving them of the building and upholding their Kirks, of building of bridges and other like publick workes; to the Labourers of the ground, in payment of their teinds; and shortly in all these things, whereunto they have been hitherto rigorously handled by them, that were falsely called Kirk-men, their Tacksmen, Factors, Chamberlans and Extortioners.

Finally, to the Kings Majestie, and Commonwealth of the Countrey this profite shall redound, That the other affaires of the Kirk being sufficiently provided, according to the distribution, of the which hath been spoken, the superplus, being collected in the Treasurie of the Kirk, may be profitably employed, and liberally bestowed upon the extraordinary support of the affaires of the Prince and Common-wealth, and specially of that part, which is appointed for reparation of Kirks.

1581.

So to conclude, all being willing to apply themselves to this order, the people offering themselves to be ruled according thereto; the Princes & Magistrates not exceded, and they that are placed in the ecclesiastical Estate rightly Ruling and Governing, God shall be glorified, the Kirk edified, and the bounds thereof enlarged, Christ Jesus and his Kingdome set up, Satan and his Kingdome subverted, and God shall dwell in the midst of us, to our comfort, through Jesus Christ, who, together with the Father and the Holy Ghost, abides blessed in all eternity, Amen.

Observation
on the
Book of
Discipline.

It is to be observed, that the eleventh Chapter of the Book of Discipline is not to be referred to this present year, but to the time that the Policies were in forming; for many abuses mentioned therein were reasoned since and before this year. It appeareth also, that this Chapter crosseth the Conclusions agreed upon by the Convention at *Leith*, whereof mention is also made in this Chapter. And when in the twelfth Chapter, they required, in the time of framing the Policies, that some may be appointed by the General Assemblie with consent of the Prince, best able to designe the place, where particular Elderships, that is, Presbyteries, should convene; ye may see that put in execution by the last Assembly. The eighth, ninth, and twelfth Chapters touch the disposition of the rents of the Kirk; but that disposition or dispensation was not plausible to such as possessed these rents; which no doubt was a chief impediment to the ratification of this Book of Policies. So that we may justly say, that the rents of the Kirk have been the occasion of much corruption in, and contention with the Kirk.

The pres-
byterie of
Edinburgh
erected.

The Presbyterie or Eldership of *Edinburgh* was erected upon the ninth of *May*, consisting of fifteen or sixteen Ministers of the Kirks adjacent within four or five miles, and of some Barons and Gentlemen Elders out of every Church for that effect,

The Letter, whereof mention is made in the last Assemblie, sent by the King with *William Cunninghame* of *Caprington*, to be considered by the Assemblie, before it be directed to the Noblemen, Gentlemen and certain Ministers, was directed upon the last of *May* to the Lord *Seton*, Lord *Testure*, the *Lairds Ormessoun* and *Elphinstoun*, *James Carmichael*, *Mr Walter Hay*, *Alexander Foster*, or so many other Ministers, that were to make up the Presbytery of *Hadintoun*, or so many as were to convene; wherein he directeth them to consider and try the ancient & present state of all the particular Kirks in their bounds, which of them are Principal parish Kirks, which Pendicles, which are standing and which decayed, and how many Parish Kirks it were requisite of necessity to have standing within the said bounds, and in what places, in consideration of the great number of Kirks already decayed, and not well situate, having respect herewith, how a Minister may be well and honestly sustained at every Kirk, according to the rents of the Parish; and for the more certainty, that they try out as well the ancient, as present estate of the rentals of every Parish Kirk, both Parsonages and Vicarages, Pensioners and others; as also all Prebendaries, Chaplains and Hospitalls, and by whom, and by what title the rents thereof are now possessed; whether it be a Benefice of itself, or be a Kirk annexed to any Prelacie; and if the Kirk be set in rack, by whom, and for what maintenance and dutie. In this Letter have we these passages.

Trust Cousin and Welbeloved, We greet you heartily well. Upon

Conf.

Conference lately had, and Consideration taken of some of our privie Councell and certaine of the Ministrie, by our Direction and Commandment, anent the Action of the Constitution of the Ecclesiastical Policie, so oft entred unto, & yet unperformed, in the space of twenty Years with the more now bypast, we have perceived, how this work hath been alwayes heretofore hindered, through the great and many troubles & alterations, which have occurred within our Realme, during that space, to the decay not only of the ecclesiastical Discipline & of all good order within the Kirk, but to the great consumption & diminution also of the Kirk-rents by fews, rackes, pensions & other dispositions, practised and brought in use, as well by Bishops, Commendators, Ministers and Readers, lately provided to benefices, since our Coronation, as by others provided of old; besides many abuses daily creping-in &c. Besides, consideration being taken of the unequal division of the Diocies, some being of so great and large bounds, as no one person is able conveniently to visite the Kirks thereof; neither are the Ministers in these bounds able to convene so oft together in one place, as need requireth; some other Diocies of lesse bounds, containing fewer Parish Kirks, nor were requisite by a good order, neither these lying *contigue*. It is therefore thought impossible to attain to any formal order, likely to have continuance to the posteritie, through our whole Realme, till the ancient bounds of the Diocies be dissolved, where the parishes are thick together, & small be united; & where they are of too great and large bounds, be divided, and thereafter Presbyteries or Elderships constituted for a dozen of parishes or there about, some moe, some fewer, as the commodity of the Countrey lyeth, where the Ministrie and Elders in these bounds convening may commodiously exercise Ecclesiastical Discipline, and take order with the affairs of the Kirk, so far as shall be appointed, before the cognition thereof be brought to the Synodal Assembly. Therefore and to the effect, that this work now in hand may proceed the more formally, to the honour of God, and ease and commoditie of all good Subjects, we have thought convenient, by advice of our Councell and such of the Ministers, as were here convened, that ye, to whom we have directed this our Letter, or so many others, within the bounds of these parishes, contained in this forme sent you herewith, as ye finde good to call to your assistance therein, convene together at *Haddingtoun*, how soone ye can, and there consult together, or then with common consent elect some fewer number amongst you of best Zeal, judgement and experience, to consider and trie the ancient and present estate of all these particulars and parishes, in these bounds &c.

In this Letter ye see, how forward the King was to constitute Presbyteries; and what necessity there was to constitute them; and thirdly, that Presbyteries, at the first Constitution or Erection, consisted not only of Ministers, but also of those, whom we commonly call Elders.

The Earle of Mortoun was convicted by an assise, for concealing of the Murder of the Kings Father, upon the first of June. In his Confession to the Ministers he declared, that there was danger in revealing it at that time. It was laid to his charge by the Ministers, that he was an Authorizer of Bishops and of other Corruptions. He answered, that concerning somethings, which were in question between him and the Kirk, he protested, if there was any thing done amisse, it was of ignorance, and for lack of better knowledge; and if he had known better, he

The Earle of Mortoun executed.

1581.

had done otherwayes, and was now at last of minde to have helped them so far as he might. It was marked, that he was execute upon that same day; that the *Duke of Northfolk* was execute, that is, the second day of *June*. *Mortoun* was a chief instrument of the depriving of the Kings Mother of the Government. *Northfolk* was working for her advancement to the one, and restauration to the other Crowne. He was a chief instrument to establish Religion, and entertained amitie betwixt *England & Scotland*, and was an enemy to the association of the Kings Mother with the King in Government; and therefore was much hated by the *Guissians* and their instruments. The *Earle of Lennox* got a great part of his lands. So long as *Mortoun* was in hands, the Kirk had rest after his execution, great stirs were raised.

A General
Assemblee.

Conference
about vote
in Parliam-
ment.

The General Assemblee convened at *Edinburgh* the seventeenth of *October*.

The *Earle of Lennox* past the Bishoprick of *Glasgow*, now vacant by the decease of *Mr James Boid*, who departed this life in *June* last, to *Mr Robert Montgomrie* Minister at *Stirling*. *Mr Robert* made a simoniacal pactioun with him for five hundred pounds of rent by year. The Brethren of the Presbyterie of *Glasgow* were charged by *Mr George Tom* in the Kings name, to give a resolute answer, concerning the admission of the said *Mr Robert*; which they refused. This Assemblee was stayed in their proceedings against him by the Kings Mistle, till conference might be had in that matter. Some Brethren were appointed for this conference, who reported to the Assembly, that the Kings Commissioners required, in case the Assemblee damned the office of Bishops, wherunto was annexed also Temporal Jurisdiction, wherein the King is served by voting in Parliament, or assisting in Council, contributing in Taxations, and such like, what overture they would shew, that the King be not prejudged by taking away that Estate. For advising upon this head, which the Assemblee thought of great consequence, they nominated about thirty Ministers, Barones and Commissioners for Burghes. They proponed in the sixt Session this Overture, that after reasoning at length they had agreed thus far; that for voting in Parliament or assisting in Council, Commissioners from the General Assemblee should supplie the place of Bishops. And as to the exercising of Civil and Criminal Jurisdiction, the Head-baillies should exerce the same. The Assemblee approved their judgment: but whether these Commissioners should be Ministers, or Barones and Gentlemen, Elders, I finde not here determined. But concerning vote in Parliamen in name of the Kirk, we shall have occasion to treat more largely afterward.

Proceed-
ings. a-
gainst Mr
Robert
Montgom-
rie.

Many things were laid to the charge of the said *Mr Robert Montgomrie*, as errors in Doctrine, & calumniation of the Ministrie; wherunto he was desired to give his answer in writ. He shunned, and the King, as we have already said, interceded for a delay. The Assemblee directed some of their number to informe the King, that the Assemblee had condescended to delay proceeding against him, upon these conditions, *videlicet*, that he should no wayes attempt farther concerning the acceptation of the Bishoprick of *Glasgow*; that his Majestie would not use farther processe against any of the Brethren for his admission; and last, that the libertie of the Kirk be not prejudged, but that the judgement of his cause pertained to them. They report, that His Majestie had received the Articles of accusation given in against him, & was content, they pro-

ceed against him as Minister. In the last Session, the Assemblie giveth Power and Commission to the Presbyterie of *Stirling*, to summon him before them, to try & examine his life & conversation, and the articles given in against him, with all possible diligence; and what they finde after trial, to report to the next Synod of *Lothian*, to which Synod the Assemblie giveth power to proceed against him, according to the Trial and Process deduced before the said Presbyterie, under the paine of disobedience; and chargeth the said *Mr Robert* to continue in his Ministrie at the *Kirk of Stirling*, and not to meddle with any other Office or Function in the *Kirk*, namely in attempting or aspiring to the Bishoprick of *Glasgow*, against the Acts of the *Kirk*, or to trouble and vex his Brethren with dimission in order to the same, under the paine of Excommunication; & after trial taken of his disobedience by the said Presbyterie, the sentence of Excommunication to be executed by them, with advice and concurrence of *John Durie*, *David Fergusone*, *John Duncansone*, & *John Dykes*.

James Melvine, Gentleman of the Kings Chamber, presented the Kings Missive in the seventh Session, which craved trial to be taken of some words, uttered lately in sermon by *Mr Walter Balcanquel*, one of the Ministers of *Edinburgh*, against his cousin *Esme Duke of Lennox*. The words, whereat the Duke was offended, were these; that *Mr Walter* had said in pulpit, that within these four years poperie had entered in the Countrey, not only in the Court, but also in the Kings Hall, and was maintained by the tyrannie of a great Champion, who is called Grace, and if his Grace would oppone himself to Gods Word, he would have little grace. *Mr Walter* praised God, that at the last accusation God had given this much victorie to his *Kirk*, that howbeit then it was called in question, to whom the judgement of his Doctrine should appertaine, yet as then by good reason it was concluded, and promised by the Kings Majesties Councillours & Commissioners, appointed to confer with the Ministers in that matter, that in all times coming the trial of Ministers Doctrine should be referred to the General Assemblie, as only competent judge; so now it is performed, and promise kept: yet he craved, that according to the Canon of the Apostle, one stand up to accuse him, and have two or three witnesses with him to prove the accusation. The Assemblie directed *Mr Thomas Smetoun* and *David Fergusone* to the King with this answer, and to crave that some accuser with two witnesses might be had. Farther, in respect that at the last calling of *John Durie* before the Privie Council, for certain words alledged uttered in his sermon, order was taken by certain Commissioners of the Council and Brethren of the Assemblie, that in case such accusations fall out afterward, the *Kirk* shall have the judgement thereof; and if the King pleaseth to send any Commissioners to be present at the trial, they should see the matter tried, seing the Assemblie is most willing to try. They directed againe other two, but got no answer: yet to satisfie the King, the Assemblie directed some to the Session of *Edinburgh*, to enquire. One of the Session reported their answer, that they had heard nothing erroneous, scandalous or offensive, in his sermon.

Commission was given to some Brethren, Ministers and other Commissioners, or to any eight of them, to present to the Lords of articles in parliament, such Heeds, Articles & Supplications, as shall be given to them by the Assemblie, that Lawes and Constitutions may passe there-

Mr Walter
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Commis-
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Acts for
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upon, to treat, reason and conferre upon the same, if need require; also, if it shall please his Majestie to crave any reasoning up on the Heeds of Policie, betwixt and the next Assemblie, to disput, reason & conferre thereupon, in name of the Assemblie, with such as his Highness shall appoint, and to report their proceedings to the Assemblie. *Mr Andrew Melvine* and *Mr Thomas Smetoun* were appointed to pen a supplication to the Kings Majestie and Lords of Articles, that no Acts passe in Parliament repugnant to the Word of God, and namely concerning Bishops; with sharpe admonitions. The Supplication was read and allowed, and immediatly some Brethren directed to present the same with the Articles.

The Commissars of *Edinburgh* being present. the Assemblie required them, when they were to proceed in things that appeared to touch the Jurisdiction of the Kirk, to conferre with the *Prior of Pittenween*, *Mr Robert Pont* and *Mr Alexander Arbutnet*, who should convene with them, & conferre both upon their Jurisdiction, and upon the Kirks, that the one usurpe not the Jurisdiction of the other. They reported, they had been reasoning, but further reasoning was yet required. The Assemblie appointed *Mr David Lindsay*, *Mr Robert Pont*, *Mr James Lawsons*, & the *Prior of Pittenween*, to conferre and to draw their Conference to some point, and to report to the next Assemblie.

Because Presbyteries were not as yet established every where, the Assembly nominated some Brethren to travel to that effect, between and the next Assemblie. It was concluded, that no change be made of any place of a Presbyterie, without the determination of the General Assemblie. Some Articles were remitted by the Synod of *Lothian*, whereunto this Assemblie gave their answer. 1. That an Uniforme and Universal Order be taken and set down by the General Assemblie, for Examination, Trial, Admission and Ordination of Ministers. The Assemblie appointed some Brethren to consider the Order, & to report their judgment to the Assemblie. 2. To enquire, what Ministers should designe manse & gleibes? And seing the Synod of *Lothian* hath thought good to direct some of their own number to designe within their bounds, they crave, that the same Order may be universal: and where there is no Presbyterie, to appoint, who shall designe? The Assemblie agreeth to the first part: and where Presbyteries are not yet, nor cannot yet be erected, that the Commissioners, who were appointed before, remaine Commissioners yet to that effect. 3. What answer shall be given to the Kings Letter, for the Union and Division of Kirks? The Assembly ordaineth the Clerk of Register to be consulted with. 4. That an uniforme order be set down for summoning of Persons before the Presbyterie, and for the Proceffe, that is to be led before the same. Answer, The Assemblie appointeth *Mr David Lindsay* and *Mr Patrick Adamsone* to conceive the forme in writ. 5. That the Trial and Admission of all Masters of Schooles be now committed to the Presbyteries. Allowed 6. Seing we of the Synod of *Lothian* have agreed, that there shall be disputations every Exercise day, in every Presbyterie; specially in such Articles as are in controverfie between us and the Papists, for avoiding of negligence of Ministers, and that they may the better withstand the Adversarie; tha the General Assemblie would appoint the order and forme thereof. The Assembly referreth this to the Eldership, and thinketh it good to have

the

the disputations where ever they may be had. There were ſother Articles alſo concerning other purpoſes, which I paſſe by

Alexander Forreſter Miniſter at *Tranent* was ſuſpended from his Miniſtrie, for Baptizing an infant in a privat Houſe, and was ordained to make his publick repentance in the Kirk of *Tranent*, before he be releaſed of the Sentence: & it was ordained that the like Order be obſerved againſt others, who had miniſtered Baptiſm in privat houſes. And for eſchewing the like miſorder in time coming, it was ordained, that no Marriage be celebrated, nor Sacraments miniſtered in privat Houſes, but ſolemnly according ro good Order hitherto obſerved, under the paine of Depoſition from the function of the Miniſtrie.

For as much as the Kings Maſtie, with advice of his Councel, hath ſet forth and Proclamed a godly and Chriſtian Confeſſion of Faith to be embraced by all his true ſubjects, and hath given charge expreſly to Miniſters, to proceed againſt whatſomever Perſons, that will not acknowledge nor ſubſcribe the ſame, wherein there hath been great negligence hitherto, far beſide the dutie and office of true Paſtors: Therefore the Aſſembly hath enjoined and concluded, that all Miniſters and Paſtors within their bounds, with all poſſible diligence, execute the tenor of his Maſties Proclamation, betwixt and the next Synodal Aſſembly of every Province, and preſent before the ſaid Synodal Aſſembly to the Moderators thereof, their dutiful diligence in that behalf, to be reported to the next Aſſembly, under the pain of Deprivation of ſuch Miniſters, as ſhall be found negligent herein, from the function of the Miniſtrie.

Upon the eight of March *Mr Robert Montgomerie* came to *Glasgow* with a number of the guard, and, the Miniſter being in the pulpit, pull-eth him by the ſleeves, ſaying, *Come Down Sirra*. The other answered, he was placed by the Kirk, and would give place to none intruding himſelf without Order. There was appearance of trouble, if the Biſhop had not been ſtayed by ſome. The Presbyterie of *Stirling* ſuſpended him from the Miniſtrie. The Presbyteries of *Glasgow*, *Stirling*, *Dalkeith*, *Linlithgow*, *Edinburgh*, were ſummoned to compear before the Councell for their proceeding againſt him, They declined, but were content, that the King or any of his Councel ſhould hear the whole proceeding *Extra Judicium*. *Mr Robert* was ſummoned by the Presbtery of *Stirling* to compear before the next General Aſſembly.

The general Aſſembly convened at *St Andrews* the twenty fourth of Aprile. *Mr Robert Montgomerie* being cited by the Presbyterie of *Stirling* to compear before the Aſſembly, to hear the Sentence of Suſpenſion pronounced by them, allowed by the Aſſembly, and farther trial to be taken concerning his Life, Doctrin and Manners. His allegations were heard, but were not found relevant. Being accuſed of contraveining the ſentence of Suſpenſion, by Preaching of the word and Miniſtration of the Sacraments, he pretended ignorance. The Maſter of Requeſts, *Mr Mark Ker*, ſonne to my Lord *Newbattle*, preſented the Kings Letter, craving that the Aſſembly trouble not *M. R.* for any thing concerning the Biſhoprick, or for any thing that may reſult thereupon, or for any other thing by paſt committed by him; but that it might be treated before his Highneſs. The Aſſembly promiſed to touch nothing, ſo far as belonged to the Civil Power, & to deal uprightly as they ſhall answer to God and his Highneſs. In the ſecond Seſſion it was found, that he underſtood of the Suſpenſion, howbeit he profeſſed the contrare, and that he had contra-

1581.

Alexander Forreſter ſuſpended.

An Act for ſubſcribing the Confeſſion of Faith.

1582.

M. R. Montgomerie's inſolence.

A General Aſſembly.

Proceedings againſt Mr R. Montgomerie.

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veened the Sentence of suspension. He asked, if the Assemblée would lay to his charge any thing concerning the Bishoprick, or any thing resulting thereupon; and craved, that the summe of the discourse, made verbally by the brethren, might be given to him in writ, that he might answer to every point. Within a little space after he was removed, compeared a messenger, and by vertue of the Kings Letters, delivered by the Lords of Secret Council, discharged the Moderator and the Brethren of the Assemblée, to direct any citations against *M. R. Montgomrie*, to excommunicat, slander or trouble him in his Ministrie, for aspiring to the Bishoprick of *Glasgow*, or calling or pursuing his Brethren for the same, or for any promise made thereanent, or any other thing depending thereupon in time bygone, under the paine of rebellion and putting of them to the horne. *Mr Robert* was called upon, but stayed not upon the answer of the Assemblée to his demands. The Assemblée ordained *Mr Thomas Makghie* to warne him, to compear personally before them the day following. He compeared not, but his alledged Procurator produced an appellation. Certain offences notwithstanding were read, in the Assemblée, whereof he was alledged to be guiltie, as negligence in teaching; corruption in doctrine, dissolutnesse of life, for the which he was suspended; conraveening of the suspension by preaching, & other actions in *Glasgow*, *Stirling* and in the Kings own Chappel; violating of his own promise made to the Presbyterie of *Stirling*, to remaine and attend upon his own Cure; horrible Lies in the face of the whole Assemblée, denying with Protestations before God the intimation of his suspension, and raising and executing Letters, and procuring the Letters by sinistrous information, for Overthrowing of the Discipline of the Kirk; intruding himself in another mans Flock, since the suspension, and that accompanied with armed men; procuring a charge to discharge the Assemblée under the paine of horning to proceed against him; Blaspheming and Railing upon the Brethren and Ministrie in pulpit, before and since the Suspension; contempt of the Ordinance of the Kirk; and stirring up Division between certain of the Nobilitie and the Kirk. He is found guiltie of these Offences, partly by his own Confession, partly by the Processe deduced by the General Assemblée holden last in *Edinburgh*, partly by the Processe deduced by the Presbyterie of *Stirling*, and partly by the Testification of good and godly Brethren, who were present at this Assemblée. For these offences the Assembly concluded, that he was worthie to be Deprived and Excommunicat, except he prevent the sentence by repentance. The *Master of Requests* desired, that the pronouncing of the sentence might be deferred, till his Majestie were advertised. In their meeting afternoon, that is, in the ninth Session, he was deprived of all function in the Ministrie: Farther it was decerned, that the Sentence of Excommunication should be pronounced by the Moderator in the audience of the whole Assemblée, and that the Sentence should be intimat by every particular Minister, in the first Sermon after they returne to their particular Kirks. The pronouncing of the Sentence was delayed till munday, because he compeared, and past from the Appellation interponed by his procurator in his name, and by himself before noon, and desired to have conference with some Brethren; which was granted. After long reluctance in conference with these that were appointed, at length he came to the Assemblée, and granted, as appeared, with all submission his offences, in every point, to the great

Contentment of the Assemblie. Whereupon *Mr Thomas Smetoun*, *John Durie* and sundrie others, who had been most fervent against him, came of their own accord to him, and embraced him lovingly, forgiving him freely all offences committed by him against them in particular. He is required to declare in the presence of God the truth of what was laid to his charge. In the eleventh Session, he confessed the intimation given to him by the Reader of *Stirling* to desist from his Office, his Baptizing of infants begotten in fornication, but not without caution of the parents, howbeit not in presence of the Elders, to satisfie the Kirk: as to the Circumcision of Women, in the skinn of their foreheads, he remembred not that he spake of it; he granted that he had promised to the Presbyterie of *Stirling* to attend upon the charge of his Ministrie there, which he had violated; he confessed that upon the twenty day of *March* last, he heard mention made of his Suspension by the Presbyterie of *Stirling*, but was not certain, because he could not get a sight of the processe; he declared that howbeit he knew of the raising of the Letters against the Brethren, yet he kepted the ordinarie diets of the Charges; he granted intrusion upon *Mr David Weemes* Minister at *Glasgow* his flock; he granted he had hainously offended by procuring Charges to be raised against the General Assemblie, and in accepting the Bishoprick of *Glasgow*, without advice and consent of the Assemblie. The Protestation made by the Presbyteries of *Edinburgh*, *Dalkeith* and *Linlithgow* against the Sentence given by the King and secret Councel, in favours of *Mr R. Montgomerie*, were read publickly, and the Protestations were approved by the Brethren, and *Mr Robert* for his part approved them also. In the twelfth Session, he promised before God, in the face of the whole Assemblie, that he should attempt no further concerning the Bishoprick of *Glasgow*, nor take upon him any Office within the Kirk, without advice and consent of the Assemblie; he renounced the charge given to the General Assemblie at his instance, & the Letters purchased by him against *Mr David Weemes*, and protested, that in this matter, concerning the Bishoprick of *Glasgow*, he meant no other wayes then all the Brethren do. Yet the Assemblie enjoined the Presbyterie of *Glasgow* to trie, if he meddled with the Bishoprick; and proceeded any farther against the promise now made to the Assemblie; and if they finde him to meddle, to decerne him to have contraveened the Act of the Assemblie, and to have violated his promise; and to report their processe and decreet to the Presbyterie of *Edinburgh*; to whom the Assemblie giveth power, to nominat in that case a Brother to Excommunicat the said *Mr Robert*.

After this Submission, the Assemblie giveth Commission to some Brethren, to deplore to his Highness, that the Jurisdiction of the Kirk is, and hath been much prejudged, and namely by Letters given out in *Glasgow*, discharging Presbyteries to proceed against *Mr R. Montgomerie*; Missives sent to Gentlemen to assist the placing of him in the pulpit of *Glasgow*; giving of Benefices *pleno jure*; and of Abbacies in heritage: as also to give admonition to the Duke and to the Earles of *Arran* and *Gowrie* de Promissis; and what they do herein, to report to the next Assemblie.

Upon occasion of *Mr Robert* his misbehaviour, the Assemblie made this Act following. In respect of many inconveniencs & misorders

An Act upon occasion of *Mr R. Montgomerie's* behaviour.

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falling forth through the Ambition, Covetousness and Indirect dealing of fundrie, who go about to enter in the Ministrie, and being entered, use unlawfull meanes to decline all correction, and punishment for their Offences, the Assemblie with one consent hath voted and concluded, conforme to the Word of God, and most godly Acts of Ancient Councils, that no man seek an Ecclesiastical Function, Office, Promotion or Benefice by any absolute Gift, Collation or Admission of the Civil Magistrat, or Patron, by Letters of Horning, or whatsoever other meanes, then is established by the Word of God and Acts of the General Assemblie, and hithertil ordinarily used within the reformed Kirk of Scotland: and siclike, that none, being received to any Ecclesiastical Office or Benefice, seek any way by the Civil Power to exeeme and withdraw themselves from the Jurisdiction of the Kirk; or procure, obtaine or use any Letters or Charges, either by themselves, or any other in their name, or at their command or instance impair, hurt or stay the said Jurisdiction, Discipline, Correction of manners, or Punishment for their Offences and Enormities, or to make any appellation from the General Assemblie, to stope the Discipline or Order of the Ecclesiastical Policie and Jurisdiction, granted by Gods Word to the Office-bearers within the said Kirk, under the paine of Excommunication, summarily and without any Proceffe or Admonitions, to be pronounced with the judgement of the Eldership, by the Minister or Ministers that shall be appointed by them, how soon it is known, that any one of the said Heeds is transgressed; and the Ads no wayes to be prejudicial to the Laick Patrones and their Presentations, until the time the Lawes be reformed according to the Word of God.

As the examination & admission of Ministers within this Realme, is by act of Parliament granted to be in the power of the Kirk authorized within this Realme; so it is judged by the Assemblie, that the privation of Ministers is in the power of the same Kirk, and of these that examine and admit Ministers: Siclike the deprivation of Bishops, admitted since the King's coronation, is in the power of the Kirk; and of these that elect, examine and admit Bishops: and that this deprivation shall be as well from the function of the Ministerie; as from the benefice it self and fruits thereof; where through the same may be declared vacant, as if he were naturally dead, to be conferred to another. The causes of deprivation were judged to be these following, *Heresie, Poperie, Common Blasphemie, Perjurie, Adulterie, Incest, Fornication, Slaughter, Theft, common Oppression, common Drunkenness, Usurie against the Lawes of this Realme, Non-residence, Absence from his Kirk, Neglect of his Office for fourtie dayes together in a year, without a lawful impediment, allowed by the next following General Assemblie, Pluralitie of benefices, provided since the Kings coronation; of all which he shall denuded, except one, lying where he will astrict himself to residence, Dilapidation, of the rents of the benefices, contrare to the act of Parliament, Symonie.* As for the forme of the proceffe of Deprivation, Thus it was to be; a libelled precept upon fourtie dayes warning, the person complained upon being within the Realme; or threescore, if he be without, shall be directed by the Kirk, and such Commissioners thereof as elect and admit Ministers, to summon him to compear and answer upon the complaint; and in case of his absence at the first summons, that the second be directed upon the like warning, with certification if he fail, the libel shall be admitted to

probation; and if he shall be holden for guiltie, yet it shall be permitted to him after that decreet, if he think himself wronged thereby, to interpone appellation to the next general Assemblie, and to intimat the same within ten dayes, otherwayes the decreet to receive instant execution.

The Assemblie enjoineth every Presbyterie to trie the Ministers within their bounds; and if any offenders be found, to punish the same, according to the qualitie of their offence, between and the next General Assemblie. *Item*, particular Presbyteries to try & examine such as are desirous to enter into the function of the Ministrie, and to provide such, as they finde qualified, to Kirks. These answers were given to certain doubts concerning the Presbyteries. That the Moderator may continue from the Synodal Assemblie to the next Synodal Assemblie, and that he be elected by the particular Presbyterie. That the number of such as are associat to the Eldership, for discipline and correction of manners, that are not Pastors or Doctors, or travel not in the word, be not equal in number with the other, but fewer; and that the proportion be as the necessitie of the Eldership craverh. Concerning such Elders, as labour not in the word, their resort to the Presbyterie shall be no farther urged strictly, then the weightiness and occasion, upon intimation and advertisment made by the Pastors and Doctors, shall require, at which time they shall give their concurrence; yet such as may commodiously resort, are to be exhorted to be present at all times. Such of the Ministrie as do not resort to the Exercise and Presbyterie, shall be subject to the penaltie arbitrarie, which shall be appointed at the discretion of every particular Presbyterie, and that the same be agreed upon by the subscription of every Minister of the Presbyterie; and if any be found not to agree to any good Order, he shall be complained upon to the General Assemblie next to come, & the Order which every Presbyterie taketh, shall be sighted, that out of the same a good Order may be collected and established for the whole. It is thought meet, that the same day, which is the day of the Exercise, be in like manner the day of Ecclesiastical process; and if the Brethren finde it necessary for the hastier expedition of the process, that they may appoint dayes, places and times to that end, beside the day of the Exercise. It is not thought expedient, that the Presbyterie be restricted to direct their Moderator to the Assemblie, but that they have libertie to chuse such as they shall think meetest for the comfort of the Kirk. It is not thought meet, that there be a Visitation, except *extra*, within the bounds of the Presbyterie, and that the same be not tyed to the Moderator, but to two or moe, as the Presbyterie shall direct, for the necessitie of the matter, according to the Book of Policie. The Moderator and the Clerk shall subscribe, in matters of weight and forme of proceeding, in name of the Eldership; and till God provide some better Order, the Clerk shall be provided by contribution of the particular Kirks. The Minister of the Parish Kirk shall cause execute the summons concerning his Parish, and bear the burden of such things, as shall be directed from the Presbyterie, or some depute by him within his Parish. Concerning a general Order of Admission to the Office of Elders, it is referred to the Order used at *Edinburgh*, which we approve. As for Collation of benefices, and Designation of manes and gleibes, they shall be made by the Moderator of the Presbyterie, where it is requisite by a

Order to
be observ-
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1582.

The As-
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hath pow-
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Seigneur
Paul, com-
eth to Scot-
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Mr. R.
Montgom-
rie maketh
new stirres.

A General
Assemble.

special Commission of the Kirk, in respect of the Act of Parliament, till it please God to move the King, that the Lawes may be better reformed; providing the Moderator do nothing without advice of the Presbyterie. How many Kirks shall be in every Presbyterie, they referre to the Commissioners, that have Commission to establish the Presbyteries. The forme of processe in weightie matters to be in writ, at the discretion of particular Presbyteries *ere nata*; in other things, verbal. As for any that will not accept the Office of an Elder, that travelleth not in the word, we may exhort, but not compel.

The question being moved to the Assemblée, if the General Assemblée hath power to revoke whatsoever thing is done by them, or any particular member of the same, to the hurt and prejudice of the Kirk, or not? The Brethren, after reasoning upon the matter, at length voted to the affirmative part, that the Assemblée hath power to do the same. I think this was meant of the Patrimoine of the Kirk.

Upon the tenth day of *May*, *Seigneur Paul* an *Italian* arrived at *Leith*, sent from the *Duke of Guise* to the King with seven or eight horses. He was a famous Murderer at the massacre of *Paris*, and was brought in great credite with the King by the *Duke of Lennox* his moyn. In the meane time was the *Duke of Guise* practising with some fugitive Englishmen, for relief of the Kings Mother out of prison, and was gathering forces for that effect, but under pretence to assist the *Duke of Anjou* in the *Low Countreyes*.

Mr R. Montgomerie, stirred up againe by the *Duke of Lennox*, to trouble the Kirk, sought Letters conforme to his gift given *pleno jure*. The Ministers of *Edinburgh* and some others, compearing in name of the Kirk for their interests, opposed, and were Admitted for their interests; notwithstanding the King had sent a charge to the Lords not to admit them, and there was an interlocutor past in their favours. Upon the eight of *June*, the Presbyterie of *Glasgow* was summoned to compare before the Secret Council, while they were sitting, and were to give a Decreet against *Mr Robert Montgomerie*. The Laird of *Minto* Provost of the Town, accompanied with the Bailiffe and some Citizens, came in, and discharged them to proceed, without shewing any Commission publick or privat; because this was refused, they put violent hands on the Moderator, *Mr John Horvifone*, smote him in the face, rent his beard, stroke out one of his teeth, and thereafter committed him to warde in the Tolbooth. The Students in the Colledge were so commoved, that they entered in conflict with some of these, who had done the injurie to the Moderator, and some were hurt. Notwithstanding of all this stirre, the decreet was given out against *Mr Robert*, and sent to the Presbyterie of *Edinburgh*. The Presbyterie of *Edinburgh* convened upon Saturday the ninth of *June*, and with common consent appointed *Mr John Davidstone*, Minister at *Libbertoun* for the time, to pronounce the Sentence of Excommunication, the day following in his Kirk; which he did upon the tenth of *June* before a great auditorie.

The time of the ordinarie Assemblée was anticipat, by Advertisement sent from the Presbyterie of *Edinburgh*, and convened the twenty seventh of *June*. *Mr Andrew Melvine*, then Principal of the new Colledge of *St Andrews*, had the exhortation, he inveighed against the *bloudie guillie* (so he called it) of Absolute Authority

wh ereby

whereby many intended to pull the Crown off Christs Head, and to wring the Scepter out of his Hand. He declared how the Dimission of the Kings Authoritie to his Mother, had been in working these seven or eight Years. This same day *John Durie* was charged by a macer to depart out of the Town of *Edinburgh*.

Some Brethren were directed to the *Duke* to desire him to remove *Mr R. Montgomrie* Excommunicat, out of his Company, and to Admonish him, if he continued disobedient, the Assemblie will proceed against him according to their Acts. He answered, *Interrogate* whether the King or the Kirk be Superior: that he had the Command of the King and his Council to intertaine him; and until he were contramanded, he would not remove him. The Assemblie ordained the Brethren, directed in Commission to *Perth*, as they shall see occasion there, and the offence not amended, to proceed farther against him with the Censures of the Kirk, according to the Acts of the General Assemblie.

The Assemblie giveth power and Commission to a great number of their Brethren to present to the King and the Nobilitie, which were to convene at *Perth* the sixt day of *July* next, their grievances delivered to them in writ, and to crave remedie. The grievances were these following.

First, that your Majestie, by device of some Counsellors, is caused to take upon you a Spiritual Power and Authoritie, which properly belongeth unto Christ, as only King and Head of the Kirk, the ministrie and execution whereof is only given unto such, as bear Office in the Ecclesiastical Government in the same. So that in your Highness Person some men preasero erect a new Popedome, as though your Majestie could not be full King and Head of this Commonwealth, unless as well the Spiritual as Temporal Sword be put in your Highness hands; unless Christ be bereft of his Authoritie, and the two Jurisdictions confounded, which God hath divided, which directly tendeth to the wrack of all true Religion; as by special Heeds following is manifest.

Benefices are given by absolute power to unworthie Persons, intruded in the Office of the Ministrie, without the Kirks admiffion, directly against the Law of God and Acts of Parliament, wherethrough the Kirk-livings come in prophane mens hands, and others, that sell their soules, & make shipwrack of their consciences, for the pleasure of men, and obtaining some worldly commoditie.

Elderships, Synodal and General Assemblies are discharged by Letters of horning, to proceed against manifest Offenders, & to use the Discipline of the Kirk and Censures thereof, according to Gods Word.

John Durie by Act of Council is suspended from Preaching, and for the same cause banished from his Flock.

Excommunicat Persons, in contempt of God and his Kirk, are maintained in chief Lords Houses, namely *Mr Robert Montgomrie* authorized and caused to Preach, and brought in your Majesties presence; which is a sore wound to the Consciences of them, that love your Majestie, and know your education, and a heavie Slander to all Nations professing the true Religion.

An Act or Deliverance of Council is made, against the proceeding of the Ministerie, with a slanderous narrative, suspending *Simpliciter* and disanulling the Excommunication, justly and orderly pronounced against *Mr Robert Montgomrie*, as a manifest and obstinate Offender and Trou-

1582.

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1582.

bler of the Kirk of God; and open Proclamations made according thereunto.

6.

Contempt of Ministers, and striking of them, discharging their Offices; and specially the violent drawing of *Mr John Howison* out of judgement seat, where he was placed Moderator of the Presbyterie, by cruel and outrageous handling, carrying to prison like a theife by the Provost and Bailiffes of *Glasgow*, and their Complices; and after complaints made, no order taken, but contrariwayes the Persons intertained, as if the same had been good service.

7.

Displacing of the Minister of *Glasgow* out of his roome, which without reproach he hath occupied these many years; and provocation of the Gentlemen of the Country to that effect.

8.

Violence used by one of your Highness own guard to pull him out of the pulpit, upon the communion day, in time of sermon, in presence of the whole Congregation, and no fault found therewith.

9.

The Officer of the Kirk was cast in prison, in your Highness presence, and there kepted a long time, for execution of Letters directed against a particular Scandalous man.

10.

Ministers, Masters of Colledges and Schollars of *Glasgow*, in time of a publick fast, were by Letters of horning compelled to leave their Flocks and Schooles destitute, and since from time to time, and from place to place, have been delayed and continued, thereby to consume them by exorbitant Expenses, and to wrack the Kirks and Schooles, whereof they bear rule and charge.

11.

The Schollars of *Glasgow* were invaded, and their blood cruelly shed by the Bailiffes and Commonaltie, gathered by the sound of common bell and beating of drumme, and by certain seditious men inflamed to have slaine all, and to have burnt the Colledge; and yet nothing done nor said to the Authors of that Sedition.

12.

Hands stricken with the bloudie Murderers and Persecutors of the people of God; propines received and given.

13.

The Dukes G. often promised to reforme his House, and yet nothing is done therein.

14.

The Lawes made for maintainance of true Religion, and punishment of the enemies thereof, are not put in execution; so that all things loose, and worse is like to ensue.

Many other things there be that crave present reformation, wherewith notwithstanding we think it not expedient to trouble your Majestie, till we see what Order be taken with these grievous complaints, &c.

The Commissioners directed from the General Assemblie to *Perth*, presented the Grievances and Articles. *James Stewart* the accuser of *Mortoun*, then *Earle of Arran*, asked with a frowning countenance, who dare subscribe these treasonable Articles, &c. *Mr Andrew Melvine* answered, we dare, and will subscribe, and render our lives in the cause. With this he taketh the pen from the Clerk and subscribeth, and calleth courageously for the rest to subscribe. The Duke and *Arran*, perceiving their boldness, became affraid, suspecting they had some secret assistance, and dismissed them in peace.

M. R. Montgomerie shewing himself publickly in the streets of *Edinburgh*, was discharged by the Magistrats, at the instant desire of *Mr James Lawfone* Minister there. Within half an hour he is declared by open Proclamation at the crosse a true Christian, and a good Subject, not

How the
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M. R.
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withstanding of the pretended Excommunication. He returneth immediately after the Proclamation, and the day following went to the Tolbooth, but could not get entrie within the bar, howbeit *Arran* was present, and desired he might have entrie, according to the Kings licence: But the Lords answered, that it was contrare to the Lawes, that he should stand and pursue in judgement, being Excommunicar. The Magistrats and Officers came to the Tolbooth to remove him out of the Town, the people waiting for his coming forth, some with Battons, some with Stones and rotten Eggs. If he had not been conveyed by the Provost down the Kirk-heugh, he had hardly escaped the hands of the people. A warrant was given to the Duke, as Chamberlain and Justice, constitute by the Kings Commission for ministration of Justice within the Burrowes, to enquire diligently, as well after the Authors, as Stirrers up and Movers of the late commotion in *Edinburgh*, in the late attempt against the Archbishop of *Glasgow*, and to see them duely punished. This warrant was subscribed at *Perth* the second of *August*.

Upon the sixt of *August* a Chamberlain Court, or Air, was proclaimed to be holden in *Edinburgh* the twenty seventh of *August*. Sundrie Ministers were summoned to this Court. His purpose was, as was disclosed afterward, to have brought in to *Edinburgh*, upon monday the twenty seventh of *August*, *Maxwel*, *Levingstoun*, *Setoun*, *Hereis*, *Newbattle*, *Balcleugh*, *Fernihast*, &c. with their forces, and *William Stewart* of *Uchiltrie*, with a number of armed men under his charge, to possesse the Ports and Streets; and to charge, that no Citizens be seen in the Streets, but such as were either sent for by the Chamberlains Officer, or were summoned upon the Assise or Pannel; and to have hanged, drowned, fined, & punished, as he pleased.

But before the appointed time for the Chamberlain Court, the Earle of *Marr*, *Gourie*, the Master of *Oliphant*, young *Lochlevin*, the Laird of *Kleisch*, the Laird of *Easter Weemes*, the Commendator of *Dumfermling* Secretar, the Commendators of *Cambuskenneth*, *Dryburgh* and *Pasley*, came to *Perth*, the twenty day of *August*, after the King had returned from the hunting in *Athol*, and conveyed him to *Ruthwen* Castle, removing such as favoured the Duke of *Lennox* and *Arran*. Lest the King should take hardly with this kinde of dealing, they presented to him this supplication following,

It may seem strange unto your Highness, that we, your Majesties most humble and obedient Subjects, are here convened, beyond your Highness expectation: But after your Highness hath heard the urgent occasion, that hath pressed us thereunto, your Majestie will not marvel at this our honest, lawful, necessarie and most godly interprise. Sir, for the dutiful reverence and obedience we owe to your Highness, and for that we ever abhorred to attempt any thing, that might seem displeasing unto your Excellence, we have suffered, now about the space of two years, such false Accusations, Calumnies, Oppressions and Persecutions, by the moyen of the Duke of *Lennox*, and him who is called Earle of *Arran*, that the like of their Insolencies and Enormities were never heretofore borne-with in *Scotland*. Which wrongs, albeit they were most intolierable, yet for that they only touched us in particular, we comported with them patiently, ever attending, when your Highness should have put remeid thereto. But now seeing the Persons foresaid have entred plainly to trouble the whole bodie of this Commonwealth, as well Ministers of the blessed

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A Chamberlain Air appointed.

The road of Ruthwen.

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evangel, as the true Professors thereof; but in special a number of Noblemen, Barons, Burgeses and Commonaltie, that did most worthily in your Highness service, during your youth, whom principally and only they molest, and against whom only they use most rigour and extremities of Lawes, Acts, Practicks; so that a part of these your best Subjects, is exiled, another part tormented, put to questions, and with partiality executed; and if any escape their barbarous furie, yet have no access to your Majestie, but are falsly calumniated, menaced, debated your presence, and holden out of your favour. Papists and the most notable Murderers of your Father and Regents are daily called home, restored to their former honours and heritages, and oftentimes highly rewarded with Offices, roomes and possessions of your most faithful servants. Finally, Sir, your Estate Royal is not governed by the counsel of your Nobilitie, as your most worthie Progenitors used to do; but at the pleasure of the Persons fore said, who interprise nothing, but as they receive directions from the Bishops of *Glasgow* and *Rosse*, your denounced rebels, having with them adjoined in their ordinarie Counsel the *Pope* Nuncios, the Ambassadors of *Spaine*, and such others of the Catholick Papists in *France*, who ever laboured to subvert the true Religion, and to spoil you of your Crown. With these forefaulted Persons, and with your Mother, without advice of your Estates, they travelled to cause your Majestie negotiat and traffique, perswading your Highness to be reconciled with her, and to associat her conjunctly with you in your Authoritie. Thirdly, meaning nothing but to convict them of usurpation, conspiracie and treason, that served your Highness most faithfully in your youth; and so having these your best Subjects out of the way, who, with defence of your innocencie, maintained the puritie of Religion, as two actions united and unseparable, what else could have ensued and followed, but the wrack both of the one and of the other. For conclusion, by their practices the whole Country, (for which, Sir, you must give account to the eternal God, as we must be answerable to your Excellence,) is so perturbed, altered and put out of frame, that the true Religion, Commonwealth, your Crown, Estate and Person are in no less danger, then when you were delivered forth of the hands of the Murderer of your Father. Sir, beholding these dangers to be imminent, & seeing your most noble Person in such hazard, the preservation whereof is more precious to us, then our lives; seeing also no appearance, that your Majestie was forewarned thereof, but like to perish before you could perceive the Peril; we thought, we could not be answerable to God, neither be faithful Subjects to your Highness, if after our abilitie we prevented not these pitiful disasters, and preserved your Majestie from the same. For this effect, with all dutiful humilitie and obedience, we your Majesties true Subjects are here conveyed, desiring your Majestie in the name of the eternal God, and for the love you bear to his true Religion, your Country and Subjects, as you would wish the tranquillitie of your own Estate, to retire your self to such a part of your Country, where your Majesties Person may be most surely preserved, and your Nobilitie, who are under peril of our lands, lives and heritages; your Majestie shall see the disloyalties, falshoods and treasons of the Persons foresaid with their complices, evidently proved and declared in their faces, to the glorie of God, advancement of his true Religion, your Majesties preservation, honour and deliverance, pa-

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cifying of your perturbed Commonwealth and Country, and to their perpetual infamie, ignominie and shame.

Arran, being in *Kinneil*, when he heard of the repair of some Lords and other confederats to *Perth*, rode to *Ruthwen Castle*, and desired to see the King: Not only was that denied, but he was apprehended and put in a close Chamber, and after transported to *Dupline Castle*. The *Duke*, as soon as he heard of the fact, thinking himself unsure in *Dalkeith*, intreated that he might have access to stay in *Edinburgh*, till he understood the Kings pleasure. It was granted. So he came to *Edinburgh* accompanied with threescore and foure horse, and left his Bishop in *Dalkeith*. The Lords laboured with the King for a Declaration, that he was not holden captive, which was proclaimed the thirty of *August* in *Edinburgh*. He declared, that he was in the Brugh of *Perth* for the present of his own free will, where he intended to remaine, till the present commotion were pacified, and a perfect union and amitie established among the Nobilitie. That nothing hath been done or attempted there by any Nobleman, but that which becometh them of their dutie, and whereof he allowed, as good service done to Him and the Commonwealth. When he came to *Stirling*, they obtained another Declaration to the same effect, and a charge to the *Duke* to depart out of the Country. *Arran* was committed to the custodie of the *Earle of Gowrie*, & transported to *Ruthwen*.

Upon wednesday the twelfth of *September* there were three Proclamations made at the crosse of *Edinburgh*, One touching the discharge of the Airs, and all the Commissions and blanks, which were given to the *Duke*, to punish such as the *Duke* and *Arran* thought good. Another, touching the Kings Freedom at *Stirling*. The third, touching the liberties of the Assemblies of the Kirk, General, Synodall or whatsom-ever particular Assemblies, and free Preaching of the word in reprov- ing of sin, as by the same word occasion is offered; which before were restrained and limited by a Proclamation, dated at *Perth* the thirteenth of *July*.

The Lord's, understanding, that the *Duke* lingered and stayed about *Dumbartoun*, waiting upon occasion to shew himself in the fields, or when the King should escape out of their hands; set forth in print, about the end of *September*, a declaration of the causes, that moved them to remove the *Duke* and *Arran* from the King. The cheif thing they lay to their charge, was, that the King was perswaded by them to enter in intelligence with *Papists*, even such as were justly forefaulted by the Estates for treasonable causes; & yet, notwithstanding of the concurrence of the *Popes Nuncio*, and other known Persecutors of the Kirk of God in *France*, wrought not so much as to procure him once to be stiled King. That the practice of association may succeed the better, the King was drawne to allow, that the Ministers should be colouredly put at first, by disposition of benefices to Persons unworthie and unqualified, *pleno jure*, & by absolute power, without examination or admission of the Kirk, against the Lawes and Con- stitutions of the Realme, and without due provision made for the Min- isters, serving the Kirks of the Prelacies in that sort disposed. That the King was induced by them, to make Himself and his Privie Council judges in the Cognition, and Judgments of matters meerly Ecclesiastical, and to discharge the General Assemblie to proceed to the Sentence of Ex- communication; and to decerne that sentence to be of no force or effect.

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The Duke
of Lennox
charged to
depart out
of the
Countrie.

Procla-
mations.

The Lords
declaration

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That some Ministers have been smitten, bannished, suspended from their Ministrie, cast in prison, removed from their Flocks, not tried nor lawfully convicted of any crime; others have been lately indicted and called to underly the Law, in most suspect Judgment, for treasonable and foule Crimes, to make them & their doctrine odious; and they having purchased Advocation to the Justice Generall, the receiving of the soverties in the ordinar manner by commandment was deferred, and refused to be received, that they being put to the horne as rebels, their escheats might have been disposed upon: as for example, *Mr Thomas Smeton*, *Mr Andrew Hay*, and some Ministers of the Presbytery of *Glasgow*. The Ministers in and about *Glasgow*, and the Masters of the Univerfite and Regents, put to excellive charges, by summoning them to compare before the King and Councel, and by Continuation of their cause to fundrie dayes and places. The Scholars, Sonnes of Noblemen, Barones and Gentlemen, their blood shed. The Ministers, who presented their Grievances to the King at *Perth*, were hardly used, and in stead of redresse, a decreet was given, and a Letter of four formes past, to answer and obey *Mr Robert Montgomrie* Excommunicat, of the Rents and Fruits of the Bishoprick; the Lords of Councel and Session refusing to grant any such Letters to a Person standing Excommunicat. That Ministers were slandered in Proclamations, called unnatural Subjects, seditious Persons, troublous and unquiet Spirits, members of Satan, enemies to the King and Commonwealth, and discharged to hold Conventions and Assemblies, under the paine to be punished as Rebels and makers of convocations. Frequent Advertifements were sent from forraigne Countreyes of alteration of Religion, and cutting off of the principal Professors, to be shortly attempted in *Scotland*. Libels printed and dispersed, warning the Professors to remove. Dayly intelligence between some of them that governed the Court, and Papiſts both of *France* and *England*. Some English fugitive Papiſts reſet and entertained near the Kings Person. That it was beaten continually in the Kings ears, that his reigne was unsure, he wanting his Mothers Benediction; and that *France* and *Spaine* would not call him King without her consent, or Association with him in conjunct Authoritie; whereby not only the Kirk was indangered, but all called in question that was done since he was Crowned, specially the Approbation of Religion; and such as had been the Kings friends to be counted traitours; and Adversaries, good servants. That sundrie forefaulted were drawn home, and intruded to be Magistrats within Burghes; or standing convicted of the Kings Fathers Murther, brought in service, and their advices, in matters of greatest importance, chiefly followed. The Noblemen and Others, that have continued the Kings faithful subjects, reproached, banished from Court, fore faulted, traduced to the King to make them Odious. That they presse what they can to dissolve the amitie between his Majestie and the *Queen of England*, and the two Realmes. As for the Commonwealth, honest men are banished from their own Houses, they never being called nor convicted of any Crime. The Lords of Session looked when they should be taken one by one, and committed to prison, or banished, when any thing proceeded contrair to their appetite and intention. Commandment given to repossesse men forefaulted, when their Pacification and Restitution was not ratified and approved in Parliament. And sundrie other grosse enormities are there reckoned up.

The General Assembly convened in *Edinburgh* the ninth of *October*. My Lord of *Paisley*, in name of the Lords Interprisers of the late Action at *Ruthwen*, gave the Assemblie to understand, that the grounds moving them were the Dangers they perceived the Kirk, and Religion, the Kings Majestie and his Estate to stand under, and the Confusion and misorder of the Commonwealth. That as they felt a good Testimonie in their own Consciences, so desired they, the Assemblie would shew their liking, and give ordinance to every Minister at his Particular Kirk to lay out the ground of their Action to their Flocks, and to exhort all Noblemen, and other faithful Subjects whatsoever, to concurre with them in the said good cause, to the full prosecution and following forth of the same. His information being well considered, it was thought meet to enquire at every Brother in particular, if the said dangers were seen and perceived; and by full consent and vote of the Assemblie it was declared, that the whole Brethren understood the concurrence of all the said dangers: Yet to the end that the Kings minde might be known, Mr *James Lawsons*, Mr *David Lindsey* and the Kings Ministers, were directed, to confer with Him upon the said dangers, and to report his Answer. They reported in the eight Session, that his Highness confessed, that Religion was in peril, and an indirect course runne to the prejudice thereof, whereunto his own peril was joined: For he esteemed his standing to be joined with the standing of Religion; acknowledged also sundrie abuses in the Commonwealth, before the late interprise of the Nobilitie; and that all men should concurre of dutie to remove the danger from the Kirk and his Person and Estate; and to the Reformation of the Commonwealth. Whereupon the Assemblie made an Act, wherein their Action of Reformation was approved, and the prosecution and following - out of the said good cause; and that every Minister lay out the dangers and peril, wherein Kirk, King and Commonwealth stood; to open up the grounds of the Action of the Noblemen; to exhort all that love and tender the Glorie of God, the prosperous estate of our Sovereigne and happie standing of the Commonwealth, to concur with them, in following - out the said grounds, to the full deliverance of the Kirk, the Kings Person and Estate, and Reformation of the Commonwealth.

The Assemblie giveth commission to erect Presbyteries in *Cathness*, *Sutherland*, *Rosse*, *Murray*, *Aberdeen*, *Bamfe*, and if the said Presbyteries be not erected before the next Assemblie, giveth commission to the same Brethren to use the Office of Visiters, as was accustomed before Elderships were established.

Seing great slander and offence riseth by the impunitie of Bishops, the Assembly giveth Commission to the particular Presbyteries underspecified, with all diligence convenient, to summon and call before them, *respectively* in manner following; the Presbytery of *Perth*, the Bishop of *Murray*; the Presbyterie of *Edinburgh*, the Bishop of *Aberdeen*; the Presbyterie of *Mearnes*, the Bishop of *Brechen*; the Presbyterie of *Dundie*, the Bishop of *Dunkelden*; the Presbyterie of *Glasgow*, the Bishop of *St Andrews*; the Presbyterie of *Stirling*, the Bishop of *Dumblane* and the *Isles*; and to accuse them, and every one of them of the Offences following, all or in part, as they are guiltie, *Videlicet*, of not Preaching and Ministrating of the Sacraments; of negligence in Doctrine or Discipline; haunting and frequenting the company of Excom-

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A General Assemblie.

The Assemblies Approbation of the interprise of the Lords.

Commission to erect Presbyteries.

Commission to try & censure Bishops.

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municat Persons; waisting of the Parrimonie of the Kirk; setting of tacks against the Acts of the Kirk; giving Collation of Benefices against the tenor of the said Acts; and finallie for giving scandal any wayes in life or Conversation, and after due Trial, Proceffe and Conviction, to take Order with every one of them, according to the qualitie of their offence and Acts of the Kirk. The Assembly ordained the Presbytery of *Edinburgh* to try the Bishop of *Orkney* his abilitie; because he alledged weaknes of bodie, age and memorie; and if he be found able, to appoint to him a particular flock, and to take order with any other complaint, that should be given - in against him, according to the Acts of the Kirk. These B.shops are still called Bishops, because of their title to the Benefice or Bishoprick; not by reason of any Episcopal Authoritie.

Commission was given to some Brethren, to frame the Articles, which were to be presented to the King, Councel and Estates; and to some other, to present them, to reason for them, and to report answer. The tenor followeth.

Articles
to be pre-
sented to
the King
& Estates.

Seing the Spiritual Jurisdiction of the Kirk is granted by God the Father, through our Mediator Jesus Christ, and given only to them, that by preaching, teaching and overseeing bear office within the same, to be exercised not by the injunctions of men, but by the only Rule of Gods Word; that the Acts of Parliament concerning the Liberty and Jurisdiction of the Kirk be so plainly declared and enlarged, that hereafter no other, of whatsomever degree, or under whatsomever pretence, have any colour to ascribe to or take upon them any part thereof, either in placing or displacing of Ministers of Gods Word, in Spiritual livings or Offices, without the Kirks Admission; or in stopping of the mouthes of Preachers, or putting them to silence; or taking upon them the judgment of trial of Doctrine, or of hindering, staying or disannulling the Censures of the Kirk, or exeeing any offenders from the same.

Item, That the Presbyteries, consisting of Doctors, Pastors and such as are commonly called Elders, now according to Gods Word, and the Kings Majesties direction, appointed in diverse parts of this Realme, for Discipline, Order and holding judgment in Ecclesiastical Affairs, be approved and established by Authoritie; and pains prescribed for those that stubbornly oppose themselves.

Item, That the Synodal Assemblies consisting of diverse Presbyteries, and General or National Consisting of the whole, be approved, and by vertue of Acts of Councel presently, and of Parliament hereafter, have power to convene, so often as occasion shall require, to Advise, Treat, Conclude and make Ordinances, in such things, as concerne the well of the Kirk, and their charge in Doctrine and Discipline, with liberty to appoint times and places for that effect.

Item, That Presbyteries, or such as they will direct of their own number, have the same power, in designation of manfes and gleibes, and reparation of the Kirks, that Bishops, Superintendents and Visitors had before.

Item, That every Kirk have their own several Pastor, to be sustained of the tithes of the Parish, where he served, and to that end, that the tithes of Kirks annexed to great benefices or prelacies be dissolved; Pensions given out of the thirds, and tacks set of them by the Collectors or Possessors, having the thirds in their own hands, be revoked.

Item,

Item, that of the Temporal Lands of every Abbacie, Priory, Bishoprick, Nunrie, &c. so much shall be applied to Schooles, as may sufficiently intertaine a good number of Masters and Bursars (according as the living may bear) in place of Canons, Monks, Nuns, and other Idle-bellies; the one to preach, the other to passe their course, as well in Philosophie, as in Theologie, according to the Act of Parliament, made anent the foundation of the New Colledge of *St. Andrews*, that the Kirk may be once planted with sufficient learned men.

Item, That it be provided, how the Common Affairs of every Presbyterie may be sustained, such as Visitors, Commissioners directed by them for sundrie occasions, Scribes, Execution of their summonis, decreets, &c. which in our judgement should be sustained by the Bishops Rents.

Item, That the Kirk be restored to the Thirds, according to the Act of Parliament, and contract made by the *Earle of Marston*; because we have found ourselves grievously hurt by giving them out of our owne hands.

Item, That the Presentation of Benefices be directed to the Presbyterie of the bounds, where the Benefice lyeth, that by them, after due trial, the qualified Person may be admitted.

Item, That no presentation be given to any man, with a blank there, with, for their filthy avarice, to go through the Countrey, & make shameful merchandise, and search who will offer most, or receive least, but that such be chiefly regarded, as by the Presbyteries, or Universities shall be recommended to the Kings Majestie, or other Laick Patrons.

Item, That it be enacted, that Ministers, who, through age, sickness or other accidents, become unable to execute their Office, may enjoy their livings during their lives, and provision be made, how the Kirks in the mean time may be served.

Item, That such Ministers, as be deposed or excommunicated at any time, their benefices, stipends or ecclesiastical livings whatsoever vaik, and other qualified men be provided thereto.

Item, That such as are known to be Papists, and notwithstanding of their Oath and Writs, and outward Obedience, are found to have turned to their vomite, and made Apostacie, awaiting still the time and occasion to cut the throats of the godly, may be punished as traitours to God, by banishment or otherwayes.

Item, That no society, league or friendship be made with Papists in France, Italie, Spaine or other Countreyes, by common or particular consent.

Item, That the like Law be made for defence and preservation of the Preachers of the blessed Evangel against violence and oppression, as is granted in favours of the Lords of Session.

Item, That remedie be found, how spiritual livings and tithes, transferred in Temporal Lordships, may be restored againe for sustentation of the Ministers, Poor and Schooles.

Item, That the Colledge Kirks, which are destitute of Ministers and Pastors, by reason of the thirds given to Colledges, may be provided with sufficient stipends out of the thirds, conforme to the Act of Parliament made thereanent.

Item, That burials in Parish Kirks be discharged by Act; and a special punishment be appointed for transgressors.

Item,

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Item, that the diminution of the rental be a sufficient cause of the reduction of tacks and fewes; and that diminution be counted, as well the imparing of silver rental, *de liquido in liquidum*, as converting of victual in small prices, that is, such reasonable prices as victual give for the time.

Item, that every beneficed man finde caution at his entrie, to recompense whatsoever he doth to the hurt of the benefice.

Item, that it be lawful for no beneficed man, Prelat or any other, to set any tacks or fewes hereafter; and that they be bound to repare whatsoever hurt they have done to their livings, against the lawes.

Item, that it be declared, what tacks or fewes are lawful; and that twolon three nineteen or liferent - tacks, made against all law and Conscience, be annulled and declared of no effect.

Articles for redress of the manyfold enormities, fallen forth to the wrack of the Kirk and Commonwealth.

First, that the slanderous proclamation, given forth at Perth the twelfth of July, & published in all Townes and parish Kirks, and printed to the perpetual infamie of Gods Servants, may be perused and diligently considered; and that trial be taken, if any Minister be culpable of such odious crimes, as are therein laid to their charge; and in case they be found culpable, that they be punished according to the rigour of the law, otherwise, that the givers out of such blasphemous reports, and devils and disters of that infamous libel, be punished accordingly; and that by act of Councel and publick Proclamation the Ministrie be declared innocent of such wicked and hainous crimes.

Item, that the unaccustomed violence, used against Mr John Howison, by drawing him out of the judgement seat of the Presbyterie, striking and casting him in prison, and against Mr David Weems Minister at Glasgow, be punished, that none hereafter be so bold as to attempt the like.

Item, that Coline Campbel burges of Glasgow, William Haygate, Archibald Haygate and their Complices be punished according to justice, for the sedition and uproare made by them, being Magistrates and Councelers, against the students of Glasgow, and shedding of their blood.

Item, that the Proclamation, lately made for the liberty of the Assemblies, may be enlarged and set forth more plainly.

Item, that your Lordships would give the Kings Majestie to understand, how wicked instruments these were, that perswaded his Highnes to allow, and to take upon himself all the mischiefs, ungodlie proceedings, wherewith the Kirk, his Grace, and the Countrey were brought to such miserie and danger.

Item, that all Acts of Councel, made against Presbyteries and Assemblies, charging them to desist from proceeding in Discipline and Ecclesiastical Censures against scandalous persons, be disannulled and deleted out of the Books: likewise, that the Act made against John Durie be deleted.

Item, that his Majestie and their Lordships would weigh what great inconveniences and absurdities fall out upon the Act of Councel, made concerning the Absolute Power; and for removing thereof, to delete the same, never to be remembred hereafter.

Item, That this Highness and their Lordships provide, and carefully foresee, that by the wicked practice of dimission or association of Authority, the Kirk, Kings Majestie and Countrey be not hurt; and that the famine be stayed in time.

Item, That the Stipend, appointed for the Minister of *Stirling*, and now wickedly purchased by *Mr Robert Montgomerie*, to his young Sone, be restored againe, for sustentation of a qualified Man to teach that Flock, which by his ungodlie dealing, and Apostacie, hath been so long destitute.

Item, That it would please his Majestie, and their Lordships, to have pity and compassion upon that Noble and godly Man *James Hammiltoun*, Earle of *Arran*, sometime a notable and comfortable Instrument in reforming the Kirk of God, and now visited by the hand of God, and under pretence of law bereft of his living.

Item, That Commissioners be deputed for visitation of the Colledges between and the last of *November*.

The Laird of *Minto* submitted himself to the Assemblie, for the wrong he had done to *Mr John Howisone*, and was referred to the discretion of the Presbyterie of *Glasgow*. The Assembly ordained his Complices to be excommunicat.

The Brethren, appointed to present the Articles to the Convention of the Estates, were asked, seing the Convention was taking order with the Councel consisting of three Estates, who should sit in name of the Kirk, to vote in Councel or Parliament? The meaning was, If Bishops should sit in Councel in name of the Kirk. The Brethren delayed their Answer, till they heard the advice of the Assembly. The Assembly resolved, that they could not agree, that any should vote in name of the Kirk, but such as bear Office in the Kirk, & were authorized with commission from the Kirk.

It was thought meet, that the places, where Synodal Assemblies are to convene, shall be changed from time to time, as the Brethren shall think meetest; that no ambition grow by continuing the same in one place.

The Assembly thought it lawfull to a Minister, for a season, to cease from the exercise of his Ministrie, and to use the Office of a Doctor; and therefore appointed *Mr Thomas Buchanan* to enter to the new Colledge of *St Andrews*, and there exerce the Office of a Doctor, his Kirk being provided in the mean time of a sufficient Minister.

Mr Robert Montgomerie offereth to the Presbytery of *Glasgow* and *Edinburgh* to undergo their injunctions, and seeketh to be received in the bosome of the Kirk. He was referred to the General Assembly, seing he was excommunicated at the command of the Assembly.

The Earle of *Arran* was relieved out of ward in *Ruthwen*, and confined in the North. His Brother *William Stewart* was set at liberty out of the Castle of *Stirling*, and commanded to remaine within the Sherifdome of *Air*. The Duke was charged to depart out of the Countrey under the paine to be put to the horne, without delay. So he took journey toward *Berwick* the twenty one of *December*. He met the French Ambassadour at *Topliffe*, and conferred with him in the high way, about the space of half an hour; the English Ambassadour *Master David sone* being present, and hearing the most part of the Conference, but not all; because of the winde and weather.

Signeur de la Mott Fenelon, the French Ambassadour, came to Scotland in the beginning of *Januar*. He laboured as was thought about the asso-

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Minto's
submissionVote in
ParliamentMr Robert
Montgomerie referred
to the General As-
semble.The Duke
departeth
out of the
Countrey.

1583.

The French
Ambassa-
dour's ne-
gotiation.

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The
French
Ambassa-
dour feast-
ed by some
Citizens of
Edinburgh.

A General
Assembly.

Proceed-
ings against
Bishops.

ciation, and declared the Kings Mother was content he should be acknowledged King. He interceded for the Duke of *Lennox*, that he might have liberty to remaine with the King, for the better intertraining of amitie between the two Realmes of *Scotland* and *France*. Upon the Lords Day, the twenty of *Januar*, another *French* Ambassadour arrived at *Leith*, with a great Train, called *Maningveil*, one of the chief devisers of the League in *Picardie* against the Protestants.

Upon *Friday*, the first of *Februar*, a Letter was sent from the King to the Councel of *Edinburgh*, not without the infligation of some Merchants, that traffiqued with *France*, craving that a banquet might be made to *La Mot*, the *French* Ambassadour, who was now readie to depart. The Provost and Bailiffes communicated the Letter to the Ministers and the Session of the Kirk. It was thought unmeet for many reasons. Yet the Councel concluded that it should be done, alledging the Session had suspended their judgment. Upon the Lords Day, the third of *Februar*, the Session convened and concluded, that in case any banquet be made to the *French* Ambassadour, the people should meet upon *Munday* to fasting and prayer. Intimation was made, and the people met between Nine & Ten houres, & continued till two afternoon, to signify their misliking. For the Ambassadors negotiation was thought very dangerous both to the Kirk, & Commonwealth. If there was any error committed in so doing, it is to be imputed to the particular Session of the Kirk of *Edinburgh*, and not to the Presbyterie; as *Mr John Adamson* alledged after, in the printed Declaration.

The General Assemblie convened at *Edinburgh* the twenty fourth of *April*, directed three of their number to the King, to desire his Highness to direct his Ambassadour *Colonel Stewart*, who was to take journey incontinent to *England*, to travel for an Union and Band betwixt his Highness & the *Queen of England*, & other Christian Princes professing the true Religion, for defence of true Professors against Papists, banded together by the bloodie league of *Trent*; and that her Majestie the *Queen of England* would disburden their Brethren in *England* of the yoke of Ceremonies, imposed upon them. They reported, that the King granted, that the articles were most reasonable; and as for the last, he should give command to his Ambassadour to treat for the same, as opportunitie served best for advancement of the cause.

Touching the Ordinance, given out in the last Assembly, against Bishops, the particular Commissioners being ordinarily called upon for execution of their Commission, none compeared for the Presbyterie of *Perth*. As for the Bishop of *Brechen*, the processe led against him was produced. The processe against the Bishop of *Aberden*, and *Orkney*, was committed to the trial of *David Fergusone*, and *Patrick Gillespie*. The fighting of the processe against the Bishops of *Dumblane*, and the *Isles*, was committed to *Mr Peter Bleckburne* and *Mr Adam Johnston*. As for the Bishop of *St Andrews*, *Mr Andrew Melvine* answered, he could not addere afflictionem afflicto, meaning, he was sick. In the eleventh Session, it was concluded as followeth. As for order to be taken with Bishops, and the Commissions given in the last Assemblie concerning them, in respect that oversight is found in execution of the said Commissions, upon sundrie occasions; yet lest that Esteare, so long slanderous to the Kirk, be overpast, as it hath been, through negligence, the Assemblie hath continued the Commission given before to

the Brethren, concerning the Bishop of *Isles* and *Dunkelden*, ordaining them to proceed in all points according to the said Commission, as they will answer to the Kirk; and chiefly the Presbyterie of *Stirling* to proceed against the Bishop of the *Isles*, according to the processe deduced before them, with full power to them for that effect. As for the Bishop of *Aberdeen*, in respect some precesse hath been led before the Presbyterie of *Edinburgh* against him, where his answers have been given in negative, and no probation led against him, the Assemblie ordained their officer to warne him to compare before their Brethren *Mr James Lawsons*, *Mr Andrew Melvine*, *Mr Walter Balcanquell*, *John Durie*, *Mr John Craig*, *David Fergusone*, *Mr John Davidsons* & *John Brand*, to hear witnesses received against him, to whom the Assembly giveth Power to try the said witnesses, and every one of them, upon the points denied by the said Bishop; and to report to the Assemblie. The name of this Bishop was *Mr David Cunninghame*, the man whom *Mr Andrew Melvine* suspected, when he seemed frankest in the cause.

The Assemblie in their answers to certaine articles and instructions, directed to them from the King and Council with the Provost of *Dundie* and Laird of *Colluthie*, answered, that they had found by experience Commission given to Brethren with power to conclude, to have done great hurt to the Kirk. Let this be well remembred.

This Assemblie concluded, that Baptism ministred by laik Persons, & such as have no ordinary function in the Ministrie, is no Baptism; & that those that are baptized, in this pretended manner, shall be baptized according to Gods Word.

Since the late interprise of the Lords reformers, liberty was renewed to the Ministers to Preach the Word freely, to exerce Discipline and to hold Ecclesiasticall Assemblies. Papists, Jesuits, Excommunicat Persons, licentious Libertines, old enemies to this Crowne, & to the friendship standing between the two Realmes, either left the Countrey & the Court, or stouped in silence with external reverence to the Word. The Ministers were restored to their flocks: the fear of cruelty, intended against sundrie of the Nobilitie, and others of inferior estates, did cease: justice in Session, Council and the borders, had free course, the inhabitants of *England* had free accesse to *Scotland*, at their pleasure, and the wonted friendship between the two Nations was revived: the Lords their action was accepted as lawfull, honest and good service, with promise that the interprisers should never be accused or pursued for the same; which was also ratified. 1. By Attestations in the Kings princely word. 2. By Act of Privie Council. 3. By a free and solemne Convention of the Estates. 4. By publick Proclamations at market crosses. 5. With promise to ratifie it at the next Parliament for their securitie. 6. By conference with her Majesties Ambassadors *Sir George Carie*, *Mr Bowes*, & *Master Davidsons*, with credite to them, to testifie his own and his Estates good liking of the interprise, and the attempters thereof. 7. By two Legations, first of *Mr John Colvil* alone, and thereafter of *Colonel Stewart* joined with him, as their Instructions did bear. 8. By sundrie certificats written to her Majestie *Queen of England*, with the Kings own hand. 9. By his own affirmation publickly, before the Council, & her Majesties Ambassadors, to *Monsieur de la mot Fenelon*. 10. By the General Assembly of the Kirk, upon signification of his Majesties consent given them by Commission. 11. Beside his Majesties command to the

Commis-
sion to
conclude,
hurtful.

Baptism by
laik Per-
sons con-
demned.

The alter-
ation at *St*
Andrews.

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Ministers to proclame in pulpit, in the most famous places of the Realme, his good liking and contentment. All these formes of approbation are observed by a Note-gatherer. But after *Colonel Stewart* returned from his message in *England*, discontented with the refusal of the Lands, pertaining to *Ladie Margaret*, sometime Countess of *Lennox*, and the King himself greatly grieved for the death of the *Duke of Lennox*, the King advised with the Colonel how he might be freed out of the hands of the Lords. It was devised, that he should withdraw himself secretly out of *Falkland* to the Castle of *St Andrews*, & remaine there till such Noblemen repared to him, as he should send for. So he went out of *Falkland* to *St Andrews*, upon the twenty eight of *June*, accompanied with *Colonel Stewart*. *Huntlie*, *Cravosford*, *Montrose*, *Argile* came to *St Andrews* the day following, privie, as appeared, to the purpose. *Angus*, *Bothwell* and others came after, but were commanded to returne, and remaine at their own Houses. This alteration in Court brought also an alteration in the Kirk. I finde in the Note-gatherers Notes, this fragment following of the Kings Letter to *Queen Elizabeth*, dated at *St Andrews* the second of *July*.

Assuring you, by withdrawing our self to our Castle of our Citie of *St Andrews*; neither minde we to control, nor remove any of our Nobilitie, or others that have faithfully given their dependance on us heretofore, nor prejudice them in their honours, lives or livings; in any sort, except they give us special occasion hereafter to the contrarie, wherewith alwayes we minde to make you first acquainted, before we proceed against them, & alwayes to conforme us to your good Advice and Counsel in that behalf, it being our special meaning and intention to use all our good Subjects indifferently, and to grant them equal access to our presence, except so many as are presently debarred therefrom (*Arranis* here meant) whom we intend not to call againe unto us, without your special consent and privitie, not doing in any sort any thing, whereby you may justly conceive jealousie of any of our actions or proceedings; but that as most deservedly you possesse our special liking and good will, before all Princes in the World, so meane we to continue to you, and effoldly to follow forth the good course, which we have both professed sincerely, and promised solemnly to you, by our former Letters: praying you therefore, 'Dear Sister', to conceive no otherwayes of Us and our intentions, in this behalf, then we have here set down, and in our Princely word, shall keep unto you: For so it is, and so it shall appear by the course of our whole actions, to be testified unto you, from time to time, by your Ambassadour here resident, whom we have at more length by our own speech assured of our continuance and constancie in this behalf.

Mr Patrick
Adamson
temporizing.

Mr Patrick Adamson, called commonly Bishop of *St Andrews*, had keeped his Castle, like a fox in a hole, a long time, diseased of a great seditie, as he himself called his disease. He sought cure of women suspected of witchcraft, namely of one who was apprehended, tried by the Presbyterie, and committed to the Castle to be kept to farther trial, but suffered by him to escape: Yet was she apprehended within three or four Years after, & was executed in *Edinburgh*. He keeped his Castle since the Assembly holden in *Aprile* 1582. When the King cometh to *St Andrews*, he becometh a whole Man, occupied the Pulpit incontinently, declaimed before the King against the Ministrie & the Lords, and

their

their proceeding. He professed before, that he had not the gift of application, now he applieth, but inspired with another Spirit, then faithful Ministers use to be. In his Sermon he affirmed for certaine, that the Duke of *Lennox* died a Protestant, having in his hand a Scrol, which he called *The Dukes Testament*. A merchant Woman, sitting before the Pulpit, and spying narrowly, affirmed that the Scrol was a compt of four or five Years old debt, which a few dayes before she had sent to him. It is true. the Duke refused to take the Sacrament out of a Priests hand, when he was dying, but had received it before, as was reported, out of the Bishop of *Glasgow's* hand.

The King by his own mouth dischargeth all his Domestick servants, that were placed about him by the Lords Reformers, and placeth others in their roomes and offices. *James Stevvart Earle of Arran* at the Kings commandement cometh to Court, and is received graciously. By him and *William Stewart*, sometime Colonel in *Flanders*, the Countrey was governed the two Years following. The *Earle of Marr* was charged to render the Castle of *Stirling* to the King and the Council, under the paine of treason: the King committed it to the *Earle of Arran*, and appointed him also Provost of *Stirling*. Yet was not *Arran* satisfied, till the *Earle of Marre* was first commanded to remaine in *Argile*, and next bound by soverty to depart out of the Countrey within a short space. A Letter of Lieurenantie was granted to the Lord *Huntlie*, to sit and judge upon the *Earle Mersehel* and his friends, the Lord *Forbes* and his friends, the Lairds of *Balquhan* and *Drumm*, and their friends, and the rest, who had best served his Majestie in the North. *Earle Cravosford* was intruded by the Kings Letters upon the town of *Dundie*, after the Town had made someresistance; whereby he was strengthened against the Master of *Glames*, the old Provost of *Dundie*, and such others there, as had given good proof of their fidelity to the King, when his Crown was in greatest danger. The Castle and Bailliarie of *Glasgow* was committed to the *Earle of Montrose*, by vertue whereof he might over-rule the Lord *Boyd*, and others well-affected in the West. The Commendator of *Dumfermling*, coming to court and suspecting no harme, was carried captive to *Lochlevin*: He was set at liberty after, to remaine within five or six miles about *Dumfermling*, under the paine of Ten thousand Pounds. *Holt*, the English Jesuit, was suffered to escape out of the Castle of *Edinburgh*. *Cleish*, *Drumquhesle* &c. were charged to enter in ward, before they were accused or convicted of any crime.

The General Assembly convened at *Edinburgh* the tenth of October.

The Commissioners appointed in the last Assembly to proceed against the Bishops of *Isles*, *Dunkelden*, *Dumblane* and *Saintandrews*, reported their proceedings in writ. *Dumblane* pretending, that he wanted the act of the Assembly, the Assemblie ordained the former Commission to be put in execution in all points. *Mr Patrick Adamson*, pretended Bishop of *Saintandrews*, was warned by the Synod of *Fife* apud *Alta* to compare before this Assemblie. The processe led by the Presbyterie of *Saintandrews* against *Alison Pearstone* a witch, together with the processe led against *Mr Patrick* before the said Presbyterie, and before the Synod of *Fife*, were exhibited in the thirteenth Session of this Assemblie, which were read, together with the deposition of witnesses led against him. The Assemblie appointed *Mr Andrew Hay*,

1583.

Change
of Court.A General
Assembly.
Proceed-
ings against
Bishops.

1583.

Commis-
sion to trie
the state of
presbyte-
ries.

Articles
to be pre-
sented to
the King.

John Johnstoun and *James Ramsey*, to collect the depositions of the witnesses and the articles.

Some Brethren were nominated & appointed, to consider the state of the whole Presbyteries, where they were erected, if there were uniformitie of order and policie kept amongst them; and where there was just cause found, to reforme what was amiss; and where no Eldershops were yet erected, to plant and erect the same; and were ordained to give an account of their diligence at the next Assemblie. The bounds were assigned, and two or three Visitors appointed *respective* to visite the same.

Commission was given to some Brethren, to put in forme the Articles, which were to be presented to the King, together with the instructions to be given to the presenters. They are grieved at the benefite of pacification granted unto Papists, Apostats, sworne Enemies to Christ, forfeaulted for Treason; of whom some were suspected and heavily bruited guiltie of the murder of the Kings Father, & impugnors of the truth by word and by writ. That some Apostats, maintainers of Idolatrie, are received in Court, and so far countenanced, that they are become familiar with his Majestie. That a wicked and obstinat Papist, sent into the Country to traffique against God, and the quietness of the Countrey, committed to ward with sure promise, that he should not escape punishment, yet, as they understand, was by indirekt means suffered to depart, and no trial taken to finde-out the author of his delivery. That his Majestie seems to have too good liking of the Enemies of God, as well in *France*, as within the kealme, who have never given testimonie of any good meaning, either to Religion, or to his Majesties service; beside the dissolute life, and irreligious behaviour of these, that in his Majesties service have succeeded to men, that were known zealous in Gods cause, and faithful to him from his tender age. That there is a great murmur amongst his Subjects, that the Lawes of the Countrey have no place; that no man can be sure either of his lands, life or goods. That oftentimes his Majestie interpones his Highness authoritie by Letters of horning, to stop the execution of the Acts made in the General Assemblie, in matters properly belonging to the Kirk, and no wayes touching the civill estate. That the Kirk is dayly bereft of her liberties and privileges. That the thirds are set in takes for summes of money, in defraud of the Kirk; Abbacies disposed, without any provision made for Ministers serving in the Kirks annexed: and so forth. In the first article is meant *Mr David Chalmers*. In the second, the Laird of *Fentrie*. In the third, the *English Jesuit William Holt*. In the fourth, the King of *France*, the Duke of *Guise* and other Papists there, the Earle of *Huntlie*, the Earle of *Cravsfurd* and others within the Countrey. These grievances were sent to *Stirling* to the King: the Commissioners returned with small contentment. Nine or ten were directed againe, but received little better answer.

It was determined in this Assemblie, that it shall not be lawfull to any particular brother, in any General Assembly, to call in question any Act concluded before in a General Assembly, no cause of changing intervening.

It is ordained, that no act, nor any other thing proceeding from the particular Presbyteries, have faith in time coming, except the same be subscribed by the Moderator and the Clerk.

Master

Mr Alexander Arbuthnot, Principal of *Aberdeen*, departed this life upon the tenth of *October*. *Mr Thomas Smetoun*, Principal of *Glasgow*, followed not long after. So the Kirk was deprived of two great Lights; a prognostication of that hour of darkness, which was to follow soon after.

Mr Patrick Adamson entered in his journey to *England*, about the midst of *December*, pretending he would go to the well of *Spaw*, for recoverie of his health; but it was his purpose to stay in *England*, under colour of Ambassage, and there to seek the advice and concurrence of the most corrupt he could finde, for the overthrow of the Discipline of the Kirk of *Scotland*. In the Parliament holden of late, a commission was given to sundrie of the Estates, to make an Act concerning Deprivation of Ministers from their Benefices. It was concluded, that whatsoever Minister or Bishop should be deposed from their Office, & namely for causes specified in the Act, as Drunkenness, Incest, Witchcraft, &c. their Benefice should vaik in the Kings hand, to be disposed to some other. *Mr Patrick* was present, & consented, that it should strike upon Bishops, as well as upon other Ministers: because, as he then said, *propter officium datur beneficium*. He confessed with tears to the Ministers of *Edinburgh*, at that time, that he came over of purpose to stay that act, but was compelled in Conscience to displease the King & Courteours by consenting, & that he found such a battell within himself, that he could scarce speak, but stammered, when he gave his vote. He willed the Ministers to praise God with him for the Victorie, which his Conscience had once gotten; and with many tears praised God for the rest and peace, which he found in his Conscience, promising they should never have cause to complaine upon him againe. The Act was scarce proclaimed, when he returned to his old vomite, and becometh the first transgressor. He falleth to his old gluttonie and drunkenness, which appeared diverse times, and at one time in presence of the Assembly, by filthie vomiting beside the Moderator. Through his drunkenness and gluttonie he fell in a fearful and terrible feditie, as he himself termed his disease. It was so strange, that the Phisicians could scarce understand the nature of it. He consulted with witches for recoverie of his health, which one of them confessed before the Presbyterie of *St Andrews*. The Presbyterie remitted him to the Synodal, the Synodal to the General Assemblie. The General Assemblie had found the processeled against him by the Presbyterie & Synod orderly deduced, and for his Contumacie in not compearing, his corrupt Doctrine and Manners, suspended him, and ordained farther trial to be taken concerning him. Fearing to be deposed from his Office, and consequently from his Benefice, he purchased immunitie to be free of censure, during his absence out of the Countrey, as I have said.

John Durie is againe charged by the King to remove out of *Edinburgh*, and to remaine at *Montross*; whereunto he yeelded, after the Council of the Town, & Session of the Kirk had given him a Testimonial approving his Life and Doctrine.

All who were under the danger of the lawes, for the roade of *Ruthwen*, were charged to crave pardon, and take remission, with certification the Course of justice should proceed against them, who passe not their remission orderly, before the first of *December*.

1583.

The death
of Mr Alex-
ander Ar-
buthnot.

Mr Patrick
Adamson
goeth to
England.

John Du-
rie remov-
ed out of
Edinburgh

Sundrie
troubled
for the
road at
Ruthwen.

In

1584.

Mr Andr.
Melvine
summoned
before the
Council.

His Decla-
ration and
Declina-
ture.

In the beginning of *Februar* *Mr Andrew Melvine* was summoned to compare before the Secret Council, for some speeches uttered by him, at the last Fast, in his Sermon upon the fourth of *Daniel*. He was summoned upon the eight of *Februar* to compare upon the eleventh. The Universitie sent *Mr Robert Bruce*, then a Student in Theologie, and *Mr Robert Wilkie*, to the King and Council, with a Testimonial, subscribed by thirtie of the principal in the Universitie, bearing witness, that they never heard any thing out of his mouth, either in the School or in the Kirk, which tended not directly to the glory of God, and establishment of his Crown. He compeared, and declared by word what he said. But the second time he gave - in his Declaration together with a declinature. Certain Commissioners, sent from the Presbyteries, were present to protest for the liberty of the Kirk. The Commissioners of the Universitie were present likewise for their interesse, to repledge him to the judgment of the Universitie; but none of them were admitted. The tenor of the Protestation, Declinature & Declaration followeth.

Imprimis, I *Mr Andrew Melvine* protest before God and His elect Angels, as I did the first day of my compareance before the Kings Majestie and his Highness honourable Council, that I spake nothing in that Sermon, nor any other Sermon made by me, tending to the slander or dishonour of the Kings Majestie, my Sovereigne, any wayes, but on the contrare exhorted alwayes all his Highness Subjects to obedience and reverence of his Majestie, whom God in His mercie had placed lawful King; and Supreme Magistrat in the Civil Government of the Countrey; and most earnestly hath prayed at all times, and specially in the foresaid Sermon, for the preservation and prosperous estate of his Majestie.

Item, Seeing the plaine Word of God, Acts of Parliament, and the late Conference between certain Lords of the Kings Majesties most honorable Council, and some Ministers, deputed by the Kings Majestie and the Kirk, and Practice ensuing hereupon, craveth, that when a Minister is delated for any thing spoken by him, in Preaching of the Word, or publick Prayers, the same be first tried by his ordinar; to wit, particular Assembly, Provincial or General: and it is of truth, that the Accusation given in against me is of certain Words, alledged spoken by me, in preaching of Gods Word, and praying for the Kings Majestie. Therefore I protest most humble, that in respect of Gods ordinance, Acts of Parliament, Conference & Practice foresaid, the trial of the foresaid accusation may be remitted to the ordinary judge, which is the Assembly of the Kirk, as said is.

Item, That seeing the old Councils and Doctors, according to Gods Word, have found it most expedient, for the more easie trial of all slanders, namely in the Persons of Ministers, that the same should be tried in that place, where they are raised: and it is of truth, that this Preaching, whereupon the slander ariseth, wherewith I am burdened, was made in *St Andrews*; therefore I protest and earnestly require, that the matter be tried and judged there.

Item, That seeing the Kings Majesties most noble progenitors have granted to all Masters, and actual Students of the universitie of *St Andrews*, a special privilege, lately confirmed by his Majesties self, and the three Estates in Parliament, that whensoever any Master or Student is accused of any offence, and specially within the Universities, that the Rector and

his Affeſſors ſhall be judges *in prima iſtantia*: And ſo it is that I am an actual Miniſter at this preſent in *St Andrews*; and my ſermon, as ſaid is, was preached there; therefore, I proteſt and moſt humbly require, that at the leaſt I may enjoy the foreſaid priviledge.

Item, Adhering to my foreſaid proteſtation, & no wayes paſſing from the ſame, I proteſt before God, that I ſpake nothing, whereof I had not the ſure ground and ſufficient warrant in the directing Word of God; and which, as I offered before, ſo now I offer to verifie by the Old and New Teſtament, *teſtes omni exceptione maiores*.

Item, For the more evident declaration of the ſame, as of before, ſo yet I offer the Teſtimonies of the moſt learned, moſt wiſe and moſt godly of the Congregation of *Saint Andrews*, written and ſubſcribed by the Elders and Deacons thereof; and the Teſtimonie of the Provost, Bailiffes and Councel, ſuſcribed by their Clerk, in their name and at their command, according to their cuſtome, and ſealed with their ſeal; and the Teſtimonie of the Presbyterie, ſubſcribed by the Clerk thereof.

Item, Seing I am a lawfull and obedient Subject, and a Teacher of Gods Word, I crave humbly, that I may have the benefite of a Subject, to wit, to underſtand who is my accuſer, or your Maſtieſties informer, according to the received Laws of the Country; and in reſpect of the circumſtances, which are knit up in my Perſon, whom God hath made a Teacher of his Word, I muſt crave this libertie and priviledge, which God granteth to me in the ſame; to wit, that no manner of accuſation ought to be heard, and received againſt the Teacher of Gods Word, unleſſe there be two or three witneſſes to ſtand by the accuſation, before the matter enter in proceſſe, or any witneſſes be received to prove the ſame.

Item, Seing the report hath been made to the Kings Maſtieſtie, to alienat, if it were poſſible, his Graces heart from his obedient Subject; if the report be found falſe, as it is indeed falſe and calumnious, that the miſreporter may incur the puniſhment preſcribed in the Acts of Parliament.

Item, That in reſpect, that the ground of the accuſation dependeth upon the Informer, I crave moſt humbly, that his qualities may be conſidered, and that I may have my own place to except againſt him, according to the Laws: And if it ſhall be found, that *William Stewart* be the informer, I ſay, his information ought no manner of wayes to be received, or prejudice me in any ſort, in reſpect it proceedeth of a lurking hatred and malice, conceived by him againſt me, which he made manifeſt by words openly, ſundrie and diverſe times, whereby he teſtified his inward rancour, threatening to offer me bodily harme, where ever he met me, which I take me to prove ſufficiently. And as this reaſon ought to be ſufficient to make his information ſuſpect; ſo it is altogether relevant to ſet him, in caſe he compear to be received as witneſſ againſt me.

And howbeit I adhere to my former Proteſtations, as moſt reaſonable and agreeable to the Scripture of God, and Lawes of the Country; nevertheless for farther clearing of my innocencie, and removing of all ſinifurſus ſuſpicion, I ſhall ſet down the truth, as God ſhall aſſiſt me by his Spirit, and as my memorie will ſerve.

Fiſt, Having juſt occaſion offered by my Text, the exemple of *Daniel* applying the Hiſtorie of *Nebuchadnezzar* to his Son *Belſhazzar*, and that before *Daniel* had read his Text, which was the writing on the

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wall. I laid the ground of general Doctrine, which I confirmed by this and other places of Scripture, to wit, that the Ministers of Gods Word should apply the examples of Gods mercie and judgement in all ages, to Kings, Princes and People in their time; and how that the nearer the Persons be unto us, the more the exemple belongeth unto us. But if now a dayes, said I, a Minister would rehearse in the Court the exemple, that fell out in King James the thirds dayes, who was abused by the flatterie of his Courticours, he should be said to vaigefrom his Text, and perchance be accused of Treason.

Secondly, As concerning these words, that our *Nebuchadnezzar* was twice seven years banished; and would be restored againe, and that I meant thereby the Kings Majesties Mother, as his meaning was; it was never my minde, and I never remember to have spoken these words.

Thirdly, I protest before God, that neither in that sermon, nor any other, had I these words, *the King is unlawfully promoted to the Crown*, or any words or meaning sounding thereto: For I put never in question his Majesties lawful Authoritie. But as it was the special thing that the Kirk to this hour hath constantly maintained; so at all times have I travelled according to my calling, in Reasoning, in Preaching, in Prayers privat and publick, so far as lay in me, to advance, confirme and establish the same; as all these, among whom I have conversed from the beginning, can testifie. Therefore simple I confesse, that falling in speaking in my Doctrine of the Advancement of *Nebuchadnezzar*, who heretofore succeeded in the Kingdome to his Father being dead, of sufficient age, endued with wisdom, liberalitie and other civil vertues, and having vanquished by himself, as a valiant Captaine and Lieutenant in his Fathers time; and after his Fathers decease being made King, by all his forces and abilitie, he continued conquishing sundrie Nations: Yet, said I, *Daniel*, making no mention of his vertues, saith, that God gave him a Kingdome, whereof I gathered, as also of other places of Scripture, That whether it be by election, succession or other ordinarie middes, that Kings be advanced, it is God that maketh Kings, which is easily forgotten by them. For such is the infirmitie of man, being in preeminence, as experience beareth record, that not only Theeves and Idolaters, but also godly Kings, extraordinarily placed in Authority by God above his own people, have forgotten the Advancer. And to this effect, I alleged the example of *David*, extraordinarily called from the sheep, *Saul* extraordinarily preferred to his Elder Brethren, *Jonah* extraordinarily in his tender age made King; they all forgot God, who advanced them, and therefore were punished. And in place of application of this Doctrine, I made a prayer, according to my accustomed manner, where I do ever speak of the Kings Majestie, that seeing this hath been, and is the infirmitie even of godly Kings, it would please the Lord of his mercie never to suffer our King to forget the goodness of that God, who so extraordinarily by his special grace made him King over this Country, he being a child in the cradle, his Mother yet alive, and a great part of the Nobilitie his enemies for the time; and who hath preserved him hitherto, since the weightie burden of the Government was laid upon his shoulders. These are the very words, so far as I can remember.

After the giving in of the declinature, the King and the Earle of *Armar*, then Chancellour, raged. Mr *Andrew* never a while desired, said in plaine termes, that they were too bold, in a constitute Christian

Mr A.
Melvine
charged to
enter in
ward, but
fleeth.

Kirk,

Nirk, to passe by the Pastors, Prophets and Doctors, and to take upon them to judge the Doctrine, and to control the Ambassadors and Messengers of a greater then was here. That ye may see your own weakness and rashness, in taking upon you that which ye neither ought, nor can do (loosing a little Hebrew Bible from his girdle, and laying it down before the King and the Chancellour upon the table) there are, saith he, my instructions and warrant; see if any of you can control me, that I have past my injunctions. The Chancellor opening the book putteth it in the Kings hand, saying, *Sir*, he scorneth your Majestie and the Council. Nay, saith he, I scorn not, but am in good earnest. He was often removed, and called in againe suddenly, that he might not have time to advise with his friends and Brethren of the Ministrie. They proceed, and admitted *William Stewart* of _____ to be his accuser. (who keepe this stile many years after, to be called *William Stewart the accuser*) received the Articles of accusation, admitted his unfriends to be witnesses. When they had done all that they could, they could gaine little or nothing for their purpose. Yet it was decerned, that for his declining of their judgement, and denying, that the Ministers Doctrine should be tried at the first instance before the King & Council, and for his unreverent behaviour, as they alledged, that he be committed to ward in the Castle of *Edinburgh*, during the Kings will. Being informed, that if he entred in ward, he would not be released, unless it were for the scaffold; that the decreete of the Council was altered, and *Blackness* appointed for his ward, which was keept by *Arran's* dependers, he resolveth to convey himself secretly out of the Country. One of the Macers cometh to *Mr James Lowson's* House, & giveth *Mr Andrew* the charge & warrant to enter in the Castle of *Blackness* within twenty four hours. Some of *Arran's* horsemen were at the west port attending upon him to convoy him. But he was at *Bervick* within twenty four hours. *Mr Lowson* and *Mr Walter Balcanquell* sounded his praises in the pulpit of *Edinburgh*, and prayed for him in particular after their sermons, which both moved the people, and galled the Court.

Upon the second of *March* a charge was published, to command all the Devisers, Interpreters and Executors of the attempt against the Kings Person at *Ruthven*, that have obtained his licence, to depart out of the Realme, a special time being appointed to them for that effect; for his Majesties greater securitie, and quietness of the Country, to depart out of *Scotland*, *England* and *Ireland*, within the said time, and no wayes to returne without licence obtained to that effect: And if they fail, the said time expiring, the King and Council declare the said licences to expire alluterly; and ordaine the Persons, to whom the same were granted, to be pursued and punished in their Persons and goods, as if no such licences had ever been granted. All peaceable and good subjects were charged, in case of their delay to depart within the said time, not to intercommune with them from that time forth, nor reser, supply, maintaine nor intertaine them, or keep intelligence by sending or receiving of Messages or Letters to or from them; or any others that have obtained licences, and are already departed out of the Realme, but linger & remaine in the Countreyes nearest adjacent; or any other departed forth of the Realme, and remaining in the parts beyond sea, for the causes above specified, without the Kings licence, under

A charge
against the
Interpre-
ters of the
fact at
Ruthven.

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the paine to be reputed and pursued as favourers and partakers of the said practices and attempt. *Siclike* the Servants, Assistants and Partakers with those, who were the principal Interprisers and Executors of the said attempt committed at *Ruthven*, were discharged to haunt or repair within Ten miles of the Kings residence.

The drift of this Proclamation was construed by the Persons pursued, to be this; that they, being once all removed, might be called home severally againe upon threescore dayes warning, and compearing in judgement, might be accused and punished at the discretion of the King Mother, or be forefaulted for their absence. Compare this Proclamation and others that went before, with the precedent words of the Kings Letter, given at *St Andrews* the second of July 1583. and sent to the *Queen of England*, as I finde it in the Note-gatherer's notes.

The interprise at *Ruthven* was approved in as solemne a Convention of Estates, as was (Parliaments excepted) since the Kings Coronation. Yea the principal Authors of the late Alteration in *St Andrews*, being conveyed with the rest at that time, namely, *Montrose*, *Murray*, *Hereis*, *Ogilvie*, *Doune* and *Newbattle* were desired freely to reason in the matter, who, after they were solemnly attested by their Oath, that they should reason and vote according to equitie and good conscience, also consented with the rest, without farther contradiction. But after the alteration in *St Andrews*, the King, having his residence in Winter at *Halyrudhouse*, did Assemble a Convention of Estates, wherein the alteration at *Ruthven* was found to be treason, and such as were at it, appointed to take remission for the same, as a crime of *Lese Majestie* and hainous Conspiracie. The King directed the *Earle of Rothes*, the *Lairds of Caprington*, *Colluthie*, and *Mungie* *Grahame* to *Perth*, in Commission to the *Earle of Gourie*, to command him in the Kings name to take a remission for that alteration at *Ruthven*, and to condemne the fact as treason: which he did. Notwithstanding of his remission, he was charged to passe out of *Scotland*. Now he condemneth his condemning of the fact at *Ruthven*, and desireth, that his old friends would accept of his friendship, to whom he made himself justly suspected. *Marr* and the *Master of Glames* were then in *Ireland*, the *Earle of Angus* confined in the North. It was concluded, that *Angus*, *Marr*, *Gourie* and the *Master of Glames* should convene at *Stirling* with their friends and forces, and from thence send a supplication to the King, and their Proclamations through the Country, to intimate their distress, and the danger hanging over the Kirk and Country. It was imposed upon *John Earle of Marr* and *Thomas Lyon* *Master & Tutor of Glames* to finde the means to sease upon the Castle of *Stirling*, then should *Angus* and *Gourie* come with their friends. *Bothwell*, *Lindsey* and sundrie Lords promised to joine with them; but some of their Letters, which *Gourie* and *Angus* sent to some supposed friends, came in the hands of the Courtiers; whereupon the *Earle of Gourie* was charged upon the second day of *March*, to depart out of the Country within fifteen dayes. *Marr* and the *Master of Glames* were to be charged to depart from *Craigfergus* in *Ireland*, and *Angus Oneil* was desired to put the charge in execution. A Letter was likewise sent to the *Queen of England*, to remove them out of her Dominions. *Gourie* goeth to *Dundie*, pretending readinesse to depart out of the Country, but intending delay, till at last upon the thirtieth of *Aprile*, *Colonel Stewart* came to

An enter-
prise to
take the
Castle of
Stirling.

Dundie

Dundie accompanied with some horse men, and apprehended him. *Mr Patrick Galloway*, in his Apologie after his flight, hath these words, the Earle of *Gowrie* likewise in the moneth of *Aprile*, a pearle of godlines; *Policie, Learning and all notable Vertues, was treasonably, by the craft of the Earle of Arran, Montrose, Cravvford and Colonel Stevvart, surpris'd and apprehended in Dundie, and brought to Edinburgh to be put to death upon simulat causes.*

The Earle of *Marr* and the Master of *Glames* seized upon the Castle of *Stirling* upon the seventeenth of *April*. *Angus* and others with their friends came soon after. These Lords being convene'd, declared their intencion and purpose by open Proclamation at *Stirling* the twenty two of *Aprile*. They declare how some of low estate, borne to no heritage, but trained-up in warfare, bloudshed and licentious living, have creeped in credite with the King, have sought the wrack of Religion, and ruine of the greatest number of the ancient Nobilitie, by imprisoning, warding, banishment without offence, by procuring the exile and proscription of others, and seeking the lives and rents of the rest, whose Authoritie and Vertue they fear should stop their designs; and suprising treasonable some, who were assured under his Highness protection, and meant nothing but obedience to his Majestie; and under the name of tranquillitie and rest, moved his Majestie, that some of his best affectioned subjects should be desired, for a certain space, to withdraw themselves out of the Country, with licence to enjoy their own; who in end, without any offence committed by them, were debarred from all access of any to them, under the paine of incurring the Kings indignation, and others inhibited to advertise them of the estate of the Country, where through whatsoever Letters or Inventions were made to the King, might have credite, without contradiction of the partie. They sell justice, the Laws and the Kings ear for bribes, without which no man can get his affairs dispatched. They have drawn about the young King an insolent company, manifest and avowed Papists, Atheists and Excommunicat Persons, enemies to the Religion and Estate, favourers of the bloudie Council of *Trent*, as appeareth by banishing of the most learned of the Ministrie, warding of others, and commanding the rest to preach according to their injunctions. After that his Highness with advice of the gravest, wisest and most moderate of the Nobilitie, Ministrie & Barons, at *St Andrews*, lately had intended to follow a calme and peaceable course for settling the Estate, and diverse Proclamations have been published to notifie the same, that every man may see his own surety: That Tyranne, that godless and bloodie Atheist, and seditious *Catiline, James Stevvart*, called Earle of *Arran*, the chief Disturber of the Countrey, Patron of all kinde of vice and iniquitie, and his Associates, had access to Court, and invented a violent, tyrannical and unsufferable forme of dealing, by infringing of all Promises, Proclamations, Acts and Oaths made of before; they sought by the ruine of others to make themselves great; have inverted the Lawes at their pleasute, that they might the more easily sease upon the lands, goods and geire of such, as either withstood them, or they supposed would withstand their intollerable tyrannie, and take their lives. They have misused the most peaceable and honest inhabitants of *Edinburgh*, and purchased a privie blank Commission to insert the names of such as they pleased to put in prison, lay hands upon, or put to torture. Therefore the Nobilitie in the fear

The Castle
of *Stirling*
taken.

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of God, and in his Highness obedience, assembled there and in other parts, being borne Counsellors, and bound to be careful of the King well, of Religion and of the Countrey, have convened themselves for reformation of these great enormities, that the Authors may be removed from his Highness, that his Majestie being at libertie, may freely, wisely and in tranquillitie governe his Subjects, &c. Requiring all and sundrie to assist so godly and necessarie an interprise, certifying such as shall refuse, they shall be accounted as maintainers &c.

The Castle
rendered
again.

The King being advertised, that the Lords had taken and victualled the Town and Castle of *Stirling*, caused charge the lieges by Proclamations to follow him to *Stirling*, with thirtie dayes provision. Such as were suspected to favour *Angus* and *Marr* were warded, the Lord *Lindsy* in *Tentallon*, the Laird of *Coldenknowes* in *Blackness*. *Bothwell* was commanded to depart off Court. The Lords considered among themselves, whether it was fittest to assault *Colonel Stewart*, who was come to *Falkirk* accompanied with five hundred Men to apprehend them, before the King come with his armie. They had but three hundred Men with them in companie: for the apprehending of *Gowrie* discouraged many to joine with them, neither gained they much by the declaration of their intention, but that it served in some sort for an Apologie. Yet because it was feared the *Colonel* himself might escape, howbeit the most part of the company would be content to desert him, they thought it best, seeing they had done no harme, to retire themselves in time in the most peaceable manner they could. So they departed in the night, and never stayed till they were at *Berwick*. The Castle was rendered at the first summoning, upon the twentieth day of *Aprile*. Of twenty eight that kepted the Castle, the Captaine and three others were hanged.

Gowrie
executed.

The King triumphing in the greatness of his armie, and successe in recovering the Castle, caused bring *Gowrie* out of *Kinneil* to *Stirling*, upon the twenty eight of *Aprile*, and put him to the knowledge of an assise. The road of *Ruthven*, and the late interprise at *Stirling* were laid to his charge. He alledged a remission for the first, and for the second, that they had no intention against the King, but only to remove some, that abused Him and the Countrey. When *Arran* perceived he was like to escape, he produced his confession subscribed with his hand, that he was upon the counsel of some conspiracie, intended against the Kings own person. *Gowrie* confessed the hand-writ, and deduced upon what occasion *Arran* had induced him to subscribe that confession. *Arran* had assured him the King conceived hardly of him, because he tooke him to be the principal deviser of the banishment of the *Duke of Lennox*, which he could hardly be moved to pardon, and counsellled him to write a general Letter to the King, showing that he had known some conspiracie intended against the Kings own Person, and if the King would permit him to have access, he should open-up the particulars; and when he had gotten access, he might alledge, that he devised that Letter only to get presence, and make known his own innocencie, and true meaning to his Estate and Person. *Gowrie* thought that Policie perillous. *Arran* assured him it was concluded, that he should suffer death, whereas that confession

would

would procure him access and favour. At last he condescended, upon *Arvans* promise that he should incur no danger by the means; and by his, and *Sir Robert Melvils* persuasions, he was induced to write a Letter to the same effect, that they had devised, which he sent to the King, looking every hour to be sent for, whereof he was disappointed. *Arvans* denied; so he was convicted for concealing treason, for the enterprise of taking *Stirling*, and resisting by force the Colonel sent to apprehend him, and was brought forth to the scaffold upon the second of May 1584. where he protested, he never meant harme to the Kings Person, Estate or Commonwealth; that he preferred the Kings welfare and his standing to the welfare of his wife and children; and wished that nature had granted him a window to his brest, that his Majestie might behold his tender love and good affection and care to preserve the Crown in his Person. He purged in like manner the Earles, Lords, Barones, Burgeses and Ministers of his acquaintaunce, of the like bad intentions. He had sundrie speeches to represent his present disposition and good resolution. As he was commending his soul to God, he was beheaded at half hour to nine at night, or thereby. So two chiet Professors of the Nobilitie, *Mortoun* and *Gouvrie*, were cut off, since the King took upon him the Government in his own person.

In the meane time some Ministers convened at *Saint Andrews*, upon the twenty fourth of Aprile, to hold a General Assemblie. But in respect of the present troubles, the number was few. The King sent to them a srie Commissioner, *Mr. J. Grahame* of *Halyards* justice Deputie. He insisted after an unaccustomed manner: first, under the paine of Rebellion; next of Treason, he charged them to annul the Act approving the fact of *Ruthven*, and by a contrarie Act to condemne the said action as treasonable; and travelled with the Magistrats of the towne, to commit to prison so many, as should refuse to obey. He had a particular Commission to apprehend *Mr James Lawsons*, *Mr David Lindsay*, *Mr Andrew Hay*, *Mr Patrick Galloway*, but delayed, because *Mr Andrew Hay* was not come, that he might trape all together. The greatest number of the Brethren departed out of the Town, thinking it absurd to rescind their Act, to the making whereof they were induced by so many motives, and for the change of an unstable Court: For if there were any new change, they would be urged to rescinde any Act now to be made. Farther, if they should rescind the former Act, and make another contrarie, it would be used as an argument against the interpretation of the fact at *Ruthven*, and against the whole Ministers, that approved that enterprise in an Assemblie before; or if they dissented, they might be judged as Traitors, standing in defence of that fact, which the Courtiers had condemned as treasonable, the seventh of December preceeding. The rest of the Brethren, who remained, answered, that they could determine nothing, in respect of the paucitie of their number, and that the Barones and Gentlemen were discharged to convene with them. For, to the end, that the Ministers might be the more easily drawn to satisfie the desire of the Court, other Commissioners of the Country, and particular Provinces, who, according to the custome since the reformation, should have had free access and libertie to vote as Elders in the Assemblie, were discharged by publick Proclamation to convene with them. The King commanded his Commissioner to retie, and take such answer as they would give. The Lords, who were at *Stirling*, sent

A General Assemblie rare, and soon dissolved.

likewise

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M. P. Gal-
loway his
Apologie
after his
flight.

likewise a Letter to them, which was not read publicly, but only by some few, who departed after they had considered it, awaiting upon a better opportunitie.

Master Patrick Galloway withdrew himself out of *Saintandrews*, when he understood what secret Commission *Mr John Grahame* had. When he came to *Perth*, where he was Minister, he was advertised, that there was another charge directed to the Bailiffes of *Perth* to apprehend him, whereupon he went to *Dundie* to visite some friends, where he had not remained two dayes, when another Commission was sent to the Magistrats there to apprehend him in like manner. Whereupon he went to *Robert Guthrie* of *Lownams* House, distant sixteen miles from *Dundie*, where he had not stayed two or three dayes, when the fourth Commission was sent to the Sheriffe of the Shire, the *Master of Gray Elder*, to apprehend him; who sent eighteen horse to that part for that effect; but he was advertised, and escaped. Immediately after his departure out of *St Johnstoun*, his House was narrowly searched, his Servants rigorously examined, and threatned to reveal where he was, and the beds of the House stobbed with swords. His wife was compelled to buy his Escheat from the Treasurer, and to deburse more money for it, nor the common custome of such merchandice was wont to be valued at. *Robert Guthrie* of *Lownam*, for intertaining him in his House two or three dayes, was called to underly the Law, put out of his House, and the *Master of Gray* younger caused his Brother to take his Escheat, so that the Gentleman was forced to pay five hundred Merks in Composition, beside the spoil of his house, and other Losses, which he sustained. *Mr Patrick*, in his Apologie for his flight, deducing the grounds of the hatred of the Court against him, telleth us, that when *Mr Robert Montgomrie* an Excommunicat Man was intertained by the *Duke* in his House, and placed next himself at his table, brought in to the Kings Hall and Chamber, where his Majestie did eat, and to his privie Chamber to quiet conference, he lovingly desired, it might be reformed; which was promised. But finding that the *Duke* retained him still in his Companie, and in Court, he could not suffer so notorious an enormitie to go unrebuked. But the *Duke* still intertained the Bishop, and purchased him Letters, to cause him be payed of the dutie of his benefice belonging to him, & maintained him. *Mr Patrick* continued in his open rebuke; & the *Duke* threatned him, when he was in the pulpit, to thrust him through with a Rappier, & called him pultrone villane, miscreant, &c. till the King himself was compelled to lay his hand on his mouth, & after Sermon, passing out at the Kirk door, laying his hand on his sword, threatned to bereave him of his life: he could no wayes be Pacified, till he was discharged of preaching in his own Congregation, during the King remaining at *Perth*. How that soon after the King passed to the Highland-hunts in *Athol*, and the *Duke* to *Dalkeith* to prepare for his Chamberlaine Air in *Edinburgh*, and his Justice Air in *Glasgow*, at which eleven of the Ministers there should have been put to death; and the King returning to *Ruthwen*, the *Earle of Marr* with his friends, the *Earle of Gowrie*, and some others of the Nobilitie, placed themselves about his Majestie upon the twenty third of *August*, and caused apprehend the *Earle of Arran*, who was come hither to have convoyed his Majestie to *Kinneil*, where diverse of the Nobilitie should have been apprehended, that favoured Religion. That the King cometh againe to

Perth,

Perth, and there publickly in sermon he desired his Highness to consider the dangerous estate wherein he was before; and that he ought to praise God, that he was freed of such pernicious Persons, as had been about him this while by past, who sought nothing, but the subversion and overthrow of his Estate, of Religion, and the trouble of the Commonwealth; and exhorted the Noblemen there present to prosecute that cause, which was so good and godly, with constancie, zeal, and in the fear of God: But the King was not well pleased with this forme of Doctrine. Likewise when he was sent-for to *Stirling*, he gave the like admonitions and exhortations; and touched somewhat the imperfections of those, who had the Government of the Estate in times by past: and the like he did in his sermon before the King, in the Abbay Kirk of *Holyrudhouse*, where he spake against some abuses and enormities, which had reigned in Court, which he wished now to be amended. Whereupon the King conceived a greater misliking, being moved thereto by some Persons, who suspected him to have been privie to the roade of *Ruthwen*; Because he was Minister of *Perth*, whereof the *Earle of Gowrie* was Provost. That the *Earle of Arran*, after his apprehension being kept in the Place of *Ruthwen*, where he was honourably intertained, at diverse times entered in conference with him, and opened to him the unhappie designs and plotes intended, and purposed to have been practised by the *Duke of Lennox*, for ruine of the Religion, and of diverse Noblemen and Ministers; and for alteration of the present State and Government, which, he affirmed, he misliked in his heart: And because through his behaviour by past, he had made himself to be thought of a corrupt life and suspected Religion, he desired him to move the Ministrie to conceive a good opinion of him in time coming: But because he perceived his slowness to promise that which he craved, he conceived against him inward malice and hatred, which he then craftily dissembled. That in the moneth of *July*, after the alteration made at *Saint Andrews*, by removing the *Earles of Angus, Marr, Bothwell* and others well affected to the Religion, out of his Majesties company; and others, who favoured *Arran's* proceedings, being chief Courtiers, the King directed his missive Letters to a number of the Ministers, and to him among the rest, willing them to come to *Saint Andrews*: After the receipt whereof, another Letter was sent to him to come eight dayes before the day appointed to the rest. And being come, the *Colonel, Sir Robert Melvine* and the laird of *Segie* entered in conference with him, to move him to disallow the Act of the General Assembly, made anent the subscribing of General Bands for maintainance of the Kings welfare, Religion and quietness of the Country; but could not move him to yeeld to that which was their purpose. Therefore the *Earle of Arran* thereafter upon a night, in his own privie chamber, entred in conference with him to the same effect; but finding him constantly to abide at the said Act, conceived greater malice against him, and moved the King to do the like. That the King, having retired himself from *Fife* to *Stirling*, and from *Stirling* to *Edinburgh*, did assemble a Convention of the Estates, wherein the alteration at *Ruthwen* was found Treason, and such as were at it appointed to take remission: *Gowrie* in the meane time dayly resorting to his sermons; because access to Court was denied him, some Flatterers and pike-thanks reported calumniouly both of *Gowrie's* behaviour, and of his sermon; which were found after to be

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false. Yet *Arran* moved still his Captators secretly to insist in their former lies and advertisements, which were reported as truth to the King: Whereupon the King was minded to have caused charge him to compare before the Seeret Councel; but *Arran* knowing, that the trial would come to his shame, stayed the charge; and thought in the moneth of *March* thereafter, when he came to *Edinburgh* for his own particular affairs, to have caused apprehend and imprison him without trial, whereof being advertised by some friends, he retired himself home. The Captators were appointed privily in every notable Congregation to advert what was spoken, concerning the abuses and misgovernment of the Country: And some of the Ministrie were commanded silence; others were banished from their flocks, and some were charged to compare before the Seeret Councel, and namely *Mr Andrew Melvine*. That after the apprehension of *Gowrie*, following his ordinar Text upon the Lords day, the nineteen of *April*, he discovered to the flock, what perill Religion and the state of the Church was in. For these causes, he sheweth in his *Apologie*, it was that *Arran* conceived hatred against him.

The flight
of other
Ministres.

Some other Ministers were also forced, for shewing of violence, to flee to *England*, namely, *Mr John Davidstone*, *Mr James Carmichael*, *Mr Andrew Polwart* and some others. One *Alane* an English lying libeller alledged, that they fled, because they were guiltie of the conspiracie of the taking of *Stirling*, and that they were in the fields with *Angus* and *Marr*. But the truth is, they were not neer them by many miles. Farther, *Gowrie* himself had purged them and all the Ministrie upon the scaffold: Only they thought good, being threatned, and hardlier pursued then others, to withdraw themselves for a time, considering how hardly others were dealt with before them. *Mr John Davidstone* in his answer to *Sutliffes* calumnies, hath these words in defence of *Mr Patrick Galloway*. And first, as touching the speech of *Mr Patrick Galloway* alledged by him, it is false, as he setteth it down: For he pronounced a curse neither against man, horse nor spear that assisted the King; but against all that, defending an evil cause, the Subversion of Religion and the Commonwealth, abused the King and his Authoritie by themselves, their horses and spears, That his Majestie was abused in that action, his Majestie hath acknowledged since by word and deed, and his chief abusers have made their offers of repentance to the Kirk for the same, as we are able sufficiently to prove, if need be.

M. Patrick
Adamstone
his negoti-
ation in
England.

In the meane time, that the publick affairs are thus carried at home, *Mr Patrick Adamstone*, that famous Ambassadour, is not Idle in *England*. He got but once presence of the *Queen*, howbeit he had given himself forth as Arch bishop of *Saint andrews*: But was well accepted of the Bishops his Fellow-Brethren, rejoicing of that new Brotherhood from *Scotland*. With them he consulteth on a course to overthrow the Discipline of the Kirk of *Scotland*. He frequented often the *French* and *Spanish* Ambassadors Houses, specially the *Spanish*, who withdrew himself secretly out of *England* soon after, when *Trog-mortoun* was to be examined. When he heard of the apprehension of *Francis Trog-mortoun*, that he had discovered a conspiracie for invading of *England*, and setting at liberty the *Scottish Queen* with assistance of the *Guisians*, he was overtaken with such fear, that he trembled hand and foot, to the astonishment of those that were in his company. He haunted also *Mr Archibald Douglas* his companie, and sundrie other suspect places: Whereby it

was conjectured, that his chief negotiation was to compass the matter of association, the Kings Marriage and other Affairs of the Estate. Beside conformitie of Discipline with *England*; he laboured to make the Ministers of the Word, and the best affected of the Nobilitie, odious. He collected some Positions, concerning the Discipline of the Kirk of *Scotland*, which he sent perverted to *Theodor de Beze*, *Gualter*, and other learned men in forraigne parts, and communicat them to the Ministers of the *French Kirk* at *London*, that, if he could, he might catch advantage by their censures. But *Mr Andrew Melvine*, understanding afterward, that he had misinformed forraigne Divines, informeth them aright, and painteth him out in his colours. What was his behaviour both at home, and at this time in *England*, is well set down by *Robert Sempil*, in the *Legend of Limmers lives*. He returned out of *England* immediatly after the execution of the *Earle of Gowrie*.

Immediatly after the returning of *Mr Patrick Adamson*, it was concluded in Council, that a Parliament should be holden, and begin the nineteenth day of *May*. There was no intimation before by Proclamation, nor reasonable time granted, according to the accustomed Order. The *Earle of Cravvford* carried the Sword, *Huntlie* the Scepter, the *Duke of Lennox* his son the Crown. It was almost ended before it was heard of, the Lords of the Articles were sworne to keep secret the matters to be treated. No man could suspect, that any thing should have been concluded, in prejudice of the Discipline of the Kirk; because since the reformation nothing wont to be treated or concluded, concerning the affairs of the Kirk, till first the General Assembly were made privie, or their Commissioners heard to reason and agree to the same. None of the Ministers could learne what was in deliberation, till one of the Lords of the Articles moved in conscience, and pitying the fearful desolation, which was like to befall a Kirk so well reformed, sent advertisement to one of the Ministers of *Edinburgh*, upon thursday the penult day of the Parliament in these termes. *What purposes are present in hands, I dare not particularlie shew unto you, Because I am sworn to the contrarie: But this far I will assure you in general, that the vohole force of this Parliament is bent against the Kirk and Discipline of it.* This Minister communicated his information to so many of the Ministrie in and about *Edinburgh*, as could be convoked in hast. They directed *Mr David Lindsey* Minister at *Leith*, who was most gracious to the Court, to make their fear knowna to the King, and to desire that nothing be done in Parliament, prejudicial to the Libertie of the Kirk, before the Assembly of the Kirk were heard for their interefs. When he was entring in at the Palace gate, he was apprehended and carried to *Blackness*. They again assayed by other Messengers to make Protestation in open Parliament, in case they heard any thing concluded in prejudice of Religion, or the established Discipline. The doores were shut so close, that they could get no access, howbeit other Men had libertie to be present to hear and protest in their own particular. *Master Patrick Adamson*, and *Master Robert Montgomrie* were present, and sat in Parliament, representing the third Estate, as Bishops, in name of the Kirk.

Upon Saturday the twenty third of *May*, the King and Council suspecting, that the Ministers of *Edinburgh* would declame against

A Parliament
holden.

M.R. Port
and M. W.
Balcanel
protest a-
gainst the
Acts of
Parliament.

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the Acts, sent a charge to the Provost and Bailiffes, to apprehend and pull the Ministers by violence out of the pulpit, and to commit them to prison; in case they speak any thing against the Acts of the last Parliament. The Provost and Bailiffes consulted with the Town Councel, determined to drive time, till the Acts were published by Proclamation. In the meane time *Mr James Lowson* and *Mr Walter Balcanquel* preached with great libertie; upon the Lords day the twenty fourth of May. When the Acts were proclaimed at the Crosse of *Edinburgh*; to wit, upon munday the twenty fifth of May, *Mr Robert Pont* and *Mr Walter Balcanquel*, observing all the Circumstances and Ceremonies required by Law, without any signe of disobedience, took publick Documents in Name of the Kirk of *Scotland*, in the hands of *George Makfone*, before *William Archbald*, *Robert Mark* and diverse others, that they protested against the said Acts.

Mr James
Lowson
and Mr
Walter
Balcanquel
flee.

Mr Walter Balcanquel and *Mr James Lowson*, understanding what charge was given to the Provost and Bailiffes, what *Arran* had threatned, what was intended against them, and how their Brethren had been dealt with before, withdrew themselves secretly, after they had consulted with some of the Presbyterie, with the best of their own flock, with some Barons and Gentlemen dwelling neer. *Arran* had made many vowes, that if *Mr James Lowson's* Head were as great as an hay stack, he should cause it leap from his halfe. The King went to *Falkland*, and left *Colonel Stewart* to apprehend them. But they eured in *Berwick* upon Wednesday the twenty seventh of May, before five hours in the morning, and sent this Letter following to their flock, dated at *Berwick* the second of June, declaring the causes of their flight,

Their
Letter to
their flock.

We thought good, dear Brethren, in few Words (till our God offer an occasion of farther declaring of our mindes) to render a reason of this absenting for the present of us, your Ministers; whereupon ensueth a desolation most sorrowful to the hearts of the godly. It is not fear of death, nor love of life temporal, that moveth us to withdraw us, till God joine us in mercie againe: but ye yourselves see the horrible Confusion, and bloodie Crueltie intended and begun, first against us, and next against you, by wicked men, most assuredly through the Counsels of that man of sinne, the *Antichrist* of *Rome*, and his supposts, as well in this Countrey, as forth of the same. Ye see the whole Discipline violently plucked out of the hands of them, to whom Christ Jesus hath committed the Spiritual Government, and given into the hands of those, who have their calling of the World, and of Men, not of God; Assemblies discharged, and Excommunication made null by them, who have no power to binde and loose: Letters and Charges given, that if we speak our mindes freely to you, we shall be apprehended, and that by the members of our own Flock. And now God will let you see, the time is come, which we threatned long before against you. Alas! we may say farther, that some of yourselves, who these three Years by past, have hardly opposed yourselves against us, & the Word of God in our mouths, for whom we poure forth tears dayly to God, have given us no little occasion to let you know a little, what it is to want that thing, which hath been overmuch contemned amongst you, albeit yet we tender you. And this absenting of ourselves is for love we bear to you: For our presence undoubtedly would bring danger to you also, unto whom that

blo udie

bloudie and godles charge was given to take us, if we spake the truth. Beside this, it is lawful to escape the rage of men, as *Christ Jesus* himself did, and reserve ourselves to a better time, for the Glorie of God, and profite of his mystical Body, which if we should not do, we should tempt God, and offend his Majestie,

Mr James Lovvstone and *Mr Walter Balcanquel* wrote a more ample Letter after, to the same purpose, declaring upon what reasons they withdrew themselves for a time. How that at the last Parliament, the whole forme of Ecclesiastical Policie or Spiritual Government, grounded upon the Word of God, whereunto the cursed Bishops themselves subscribed, as their hand-writes will testifie, which was growing and increasing in Gods Mercie, and did grow and increase to a reasonable perfection, was altogether thrown down, almost within the space of twenty four hours; no reasoning had of the weightiness of the Articles, by these who were called the Lords of the Articles; none of the Ministrie being heard, nor permitted to come neer them: Yea those, that were upon the Articles, sworn oftentimes to reveal nothing; lest peradventure so strange dealing should have come to the ears of the Ministrie. How that the Bishops, of whom some were grosse Libertines and Belligods, whose Infamies were seen and palpable to all; some sacrilegious Dilapidators of their vvhole Benefices; some Disturbers of the State of the poor Kirk; all vvanting varrant in conscience of their calling; Yea all bearing testimonie of an evil conscience, in that novv they condemne that, vvhich before they subscribed as undoubted truth: some Suspended from their Ministrie, some Deprived, some Excommunicated: these men must be the Rulers in the spiritual Government, and the same Governement must flow, not from *Christ Jesus*, but from the corrupt affection of those, who call these unworthie souls to such high promotion. How their enemies, and Gods own enemies, because of protestations made in pulpit against such proceedings, taking advantage, purchased a charge to the Provost and Bailiffes, thinking to make their own flock their burrioies, to take and apprehend all Ministers, that conveyed to the Eldership, which before was almost the only bridle to vice: And siclike whosoever spake either in privat places, or in pulpit, against any of the Acts, or these their unhappie courses, to be taken immediatly by them, casten in prison, and handled as should be thought most meet. How in the meane time, wanton words passed against them. How hurtful it was to their flock, who got the charge, to apprehend them, in case of their proceeding in their office, which was to condemne all Acts made by men, repugnant to the decrees of the living God. How indeed they resolved to reserve themselves to a better time, and that this resolution was taken in the bitterness of their heart with many tears, after many prayers, and after they were assured it was the will of God.

The Council of the Town directed their Letter to the King, through the perswasion of *Henrie Nisbet*, a favourer of the *Duke of Lennox* and *Arran*. The Kirk of *Edinburgh* was charged to send this answer to their Pastors, and to subscribe it; the tenor whereof followeth.

We have received and read your Letter, for which we have humbly craved pardon at his Majestie, who hath not only of his great clemencie granted the same to us, but hath also permitted us to write these presents, hereby to use you more charitable & honestly, then ye have used

The causes
of their
flight more
amply set
down.

The Town
Councils
answer to
their Mini-
sters.

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us of late, remitting to learned men, & your own conscience to shew (since ye are not blinded with ignorance or lack of learning, at the least some of you) how far ye have slidden from the right way, in your last Letter written to us, by alledging unreverently, and affirming, that his Highnesss late Acts of Parliament have no ground nor warrant in the Word of God; but by the contrare are directly opposite & repugnant thereto. Remitting the same to be impugned by the learned, they content us fully, & satisfie us, since we can finde no part of the Scriptures and Word of God plainly repugnant thereto. As also in respect the first Act of the last Parliament ratifieth and alloweth the libertie of Preaching the word, and Religion presently professed within this Realme, & Administration of the Sacraments. And since also they were concluded by the Estates, amongst whom there be men both fearing God, and learned and wiser then ye are, It contenteth us to follow *St Pauls* exhortation, in the thirteenth of the Epistle to the *Romanes*, the meaning whereof ye have too seldome exhorted us to follow. To returne then to our purpose, in respect ye have not only contemptuously and unreverently slandered the good & necessary Laws, established by his Majestie and Estates in Parliament; slandered his Councell present Estate, exhorting all men to the misliking of the same; fled forth this Realme unchallenged or pursued, thereby making kyth your guiltie consciences; but also have not behaved yourselves dutifully in particular towards us, your late flock, *first*, in leaving us without our knowledge against your dutie, & conditions made to us, thereby putting his Majesties suspicion of our fore-knowledge of the same. *Next*, in making us offend his Majestie, in receiving, & reading of your slanderous Letter, ye now having made yourselves his Fugitives and Rebels. Wherefore, and in respect of the forsaide causes, willing to use you, as we said before, more charitable and honestly, then ye have done us, we therefore by these presents discharge ourselves unto you, esteeming ourselves no longer your Flock, nor you any longer our Pastors; thanking God, the Ruler of the secret thoughts of all hearts, that he hath made you manifest to your own shame, and to the releaving us of Wolfes in stead of Pastors. Thus hoping his Majestie shall provide us of good and quiet spirited Pastors, we commit you to Gods mercie, who may make you ashamed of your former offences, and unfainedly to repent for the same.

While the King remained at *Falkland*, *Arran* and *Colonel Stewart* came diverse times to *Edinburgh*, to urge the Councell and Session of the Kirk to subscribe this Letter. Some yeilded; some refused, and therefore were troubled for receiving, reading and concealing the Letter, which the Ministers sent to the Councell and Session of *Edinburgh*, before the King and his Councell had seen it.

The Ministers Apologie.

The Ministers, receiving this Letter, returned a prolix and pithie answer, or rather Apologie, more ample then before. They prove, that they dealt not uncharitably, nor dishonestly in writing to them: for they did it of dutie, as their Pastors being absent from them, or constrained to leave them. *St John* being constrained by the tyrannie of *Domitian* to leave those Congregations planted by him in little *Asia*, did he not write seven Epistles to the seven Kirks there, and did they not receive and read them to their great comfort? As for damning the Lawes and Escaping out of the Countrey, they have the example of the Prophets, the Apostles, the Martyres and Christ himself, who all have damned the Lawes and Ordinances of Men, repugnant to

the

the Laws of God; and have declined the rage of Gods enemies. What they suffered, they suffered for their cause, and for their well; that the word may be preached to them with liberty and power. And therefore, if they be rebels and traitours, which their very enemies dare not lay to their charge, they are traitours for their sakes. Farther, that their minde was not to make a perpetual separation and departure from their flock, but to withdraw themselves for a time; otherwise they had tempted God; and it was meet for their flock, that they should be reserved for their comfort afterward. Was it not expedient, that the Rulers of the flock should not have been intangled in straits? For either it behoved them to incur the Kings indignation for not apprehending, or offend God in apprehending. They would not receive them, whether they would apprehend them or not, but what some of them minded to do, not only their subscription to that slanderous Letter, but also their earnest travel to make others subscribe, doth testify. Whereas they say in their Letter, that they seldom taught obedience to Princes; they appeal to the inward testimony of their own consciences. Where they call them unquiet spirits; they appeal to experience; how they promoted peace and tranquillitie of times among them; and in the Country, in the midst of great commotions and troubles. Whereas they call them wolves; they vvil them to remember, that they have often killed wolves; and by the force of the word have obtained victorie over them. Where they conclude, that they vvil not esteem them as their Pastors; they let them see, that this is a strange sentence pronounced without any advice of the Kirk, without any conviction of a crime, and before they be heard either by word or by writ.

This Letter is directed almost only against those, who subscribed the slanderous Letter; not against those that choosed rather banishment, imprisonment, fetters and chains, or bought their peace, or subscribed for fear, protesting they did it at the commandement of Superior Powvers, against their vwill and their conscience. Few had subscribed from their heart, no not four or five of their old enemies, as they were informed.

About this time came forth a Dialogue, wherein this matter concerning the subscription of this slanderous Letter is agitated betveen two Burgeses, under the names of *Henrie Nisbet* and *Edward Hope*. *Henrie* charges *Edward* with the receipt of a slanderous Letter, which impugneth the Kings Lawes. *Edward* answereth, it had been a churlish thing not to have received a Letter from their own Pastors; and if they had been perswaded, that in any case it would have offended his Majesty, they would not have looked upon it. But the question is, whether I may damne them for preaching or writting, that the late Acts of Parliament were repugnant to the Word of God, before they be heard. For put the ease, the Bailiffes apprehended a neighbour, who had spoken as much as they had written, and attached him for the same, fenced a Court, put him to the knowledge of an Assise, laid down his ditty to the Assise. If this man should offer to prove the Laws to be repugnant to Gods Word, could the Assise justly damne him in a penaltie, or judge him guiltie of death? *Henrie* confesseth the Law of God should have the first place. With what conscience then, saith *Edward*, can I, neither perfectly knowing the whole tenor of the late Acts; nor their reasons that affirme, that they agree not with Gods Truth, in whom I

have

A Dialogue between
Henrie and
Edward.

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have seen the power of Gods Spirit working so mightily, call them Sliders from the truth, transformed Wolfes, and bereave so notable Instruments of their fame and honestie. Some of the Authors of the late Acts have besought God to forgive them, and professed plainly that some of these Acts may not stand with Gods Law: Yea some have been appointed, since the concluding of them in Parliament, to revise them, and they are yet in suspense, if they shall publish some of them in print, and in what forme. Yet, saith *Henrie*, are they not Fugitives and Deserters of their flock? If a man, saith *Edward*, intised by whatsomever occasion, hunt for the life of his wife, or she for his, is it a fault to leave her for a time. Strain charge was sent to the Magistrats, and one charge after another, if they impugned the Acts, to apprehend them, and cast them in prison, and keep them in sure firmance, till order were taken with them, for their proud contempt and rebellion. They were threatned, though their craig were as great as an hay stack, their head should lye at their heeles, if they presumed to impugn these Acts. And when the Magistrats were demanded, what would be their part: They answered, that the charge was strait. Yea the Ministers were fully perswaded, that if they had made the Council privie to their departure, some of them would betray them.

Some of the Citizens sent a Letter to their Pastors directly contradicting the slanderous Letter, and justifying them in their carriage.

Mr James
Melvin's
flight.

Mr James Melvine, Professor of Theologie in the New College of *St Andrews*, being advertised, that he was to be apprehended, he intertaining intelligence with his uncle *Mr Andrew Melvine*, then at *Berwick*. His uncle *Mr Andrew* and *Mr Patrick Forbes*, then after Bishop of *Aberdeen*, and a turn-coat, had entred in their journey towards *London*, two or three dayes before he came to *Berwick*. *Mr James* was desired by the exiled Ministers to stay at *Newcastle* with the Lords. He set down the order and manner of exercise in Doctrine, Prayer and Discipline, which they practised, during the time of their remaining in *England*.

A conspi-
racie re-
vealed.

Francis Throg-mortoun was arraigned and condemned in the Guild hall, in the City of *London*, upon the twenty of *May*. The discovery of his treason was printed soon after in *June*: He confessed a resolute determination, agreed upon by the *Scotish Queen* and her Confederats, in *France* and forreigne parts, & also in *England*, for invading the Realm. That the *Duke of Guise* should be principal leader and executer of the invasion. That the pretence, which should be publicly notified, should be to deliver the *Scotish Queen*, and to procure by force from the *Queens* Majestie a tolleration in Religion; but the intention should be, upon her resistance to remove her from the Crown. He confessed, that he told the Spanish Ambassadour, that the surest course was to send a supplie to *Scotland*, that the King by continual war and incursions might so annoy *England*, that her Majestie may be forced to yeeld to the liberty of the *Scotish Queen*, and what farther should be craved for the benefit of the Catholicks; & that it would be a great furtherance, if at the same time some few landed in *Ireland*, that by that meanes her Majesties forces might be disperfed. But that the Ambassadour rejected the purpose for *Ireland*; misliked not the purpose for *Scotland*; but still was of minde to have forces landed in *England*. *Bernandinus Mendoza*, the Spanish Ambassadour, was commanded to depart, whereas many thought he de-

served

served punishment. Let the Reader then judge, what could move *Mr Patrick Adamson* to quake and tremble, when *Francis Throg-Morton* was apprehended. What business could he have with the Spanish Ambassadour? & upon what ground did he maintaine, that liberty of conscience was expedient? Was it not because it was in working, and he was privie to it? And seeing the *Duke of Guise* was to be chief King leader of the invasion abovementioned, who will believe that the *Duke of Lennox* was not privie to it? If he had stayed, by all appearance this plot had been very far advanced.

This Commission following was granted to *Mr Patrick Adamson*, which may be a Commentar to the late act of Parliament.

Our Sovereigne Lord, with advice & consent of his Highness privie Councel, ordains a Letter to be made under the great-seal, in due forme, Giving and granting to his welbeloved Clerk & Orator, *Patrick Archbishop of St Andrews*, power, authoritie and jurisdiction, to exerce the same Archbishoprick by himself, his Deputs & Commissioners, in all matters Ecclesiastical, within the Diocie of *St Andrews*, & Sherifdomes which have been heretofore annexed thereto, with power to the said Archbishop, under his Highness, to call & convene Synodal Assemblies of the Ministrie within the Diocie, for keeping of good order, maintaining of true Doctrine and reformation of Manners, to plant Ministers in Kirks, which shall happen to be desolate & vacant; to give admission and collation of benefice to Persons qualified, either presented by the lawful patrons or Us; to depose Persons unqualified, and unable in Life and Doctrine, for discharging of their cure; the which Persons being so deposed, their rents, stipends and benefices to vaik in the hands of the lawful Patrons, to be conferred of new to qualified & Godly persons; to reforme Colledges, Kirks and such other places appointed for learning; to place and displace Masters of Colledges unqualified, according to the tenor of their foundations, or evil affected to our service and obedience, contraveining by word or write our Royal Power & Priviledge, established by our late Acts of Parliament, or slandering Us by erroneous Doctrine; to visite the Hospitals within the Diocies & Kirks, and see them well furnished, maintained and apparelled. Commanding our faithful and true subjects to yeeld unto the said *Patrick Archbishop of St Andrews* due Obedience: and that the same may be the better revered and obeyed, we have given and granted power to the said Archbishop, to have one of the most vertuous, godly and honest Officers of arms within the said Diocie, who shall be called, *Officer of the Kirk*, who shall in our name & authoritie assist the foresaid Bishop, and shall command all and sundrie contraveiners & breakers of the good and godly order of the Kirk, of what degree or qualitie soever they be under Us, with such penalties, mulcts, imprisonments, repentances & manner thereof, as We, our Counsellours & Officers shall agree unto, upon the humble sute of the said Archbishop, other Bishops and Commissioners in Ecclesiastical matters. In which if the said Bishop and Officer be disobeyed, we will account the injurie done to Our own person, & punish the same with all rigour, in example of others. Providing alwayes, that if any Person or Persons receive any intollerable wrong, or without cause or just deserving be otherwayes used by the said Bishop, then the Law of God and loveable Constitution of this Realme doth permit, it shall be leesome to the Persons, so

A Commission
granted to
Mr Patrick Adamson.

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enormly hurt, to appeal to Us, and our Sovereigne Authoritie to be interponed for remeedy thereof: For if the statue and image of Superiors in ancient times was a sufficient girth, ayle and protection to them, that had refuge thereunto, it becometh us much more in our own Persons to be a comfort and relief to those, that shall seek unto our clemencie, against whatsoever oppression by spiritual or temporal Persons, to whom we promise our principal favour, the which we minde alwayes to administer by the Grace of God, in such manner, as we may be answerable to him, whose Image and Lieutenantrie we bear in this Realme. And farther, because it is necessarie for the Kirk of God, and preservation of good order to be maintained therein, that when necessity requireth, the Bishop of every Diocie, and such other learned men of their Diocie, as shall be thought meet for that purpose, assemble together, for taking an uniforme order to be observed in the Realme, in common prayer, and other things requisite for the common Estate of the Kirk, We of our princely power grant the Priviledge unto the said Archbishop to convene the rest; providing alwayes that, before any Convention general of the Clergie, the said Bishop shall make us advertised of the necessarie causes of the foresaid Convention, that we may understand the same to tend to the welfare of the Kirk and Policie of the Country; and that the said Bishop may have our special licence thereto, granted to him under our privie seal; and that no Action nor Constitution, made by the Assembly of Bishops or Clerks, have any force, strength or effect within our Realme, to binde any of our Subjects, unless they be allowed, approved and confirmed by Us, our Councel and Estate; and after the approbation of our Royal Authority they stand in full force and effect.

A forged
conspiracie.

George Drummond of Blair was warded in the Castle of *Edinburgh*, for purpose to trie what he could learne there of male contents, and within a certain time was set at liberty. Then *Arran* made a fashion of apprehending him for some new offence. He was examined before the Lords of Secret Council, at *Edinburgh* the last of *July*, and in *Falkland* the fourth of *August*. He alledged, that being in ward in the Castle of *Edinburgh*, and finding *Mr Robert Douglas* Provost of *Glenccluden* there, they consulted often upon the altering of this present Estate, and cutting off of the *Earle of Arran*; and how the *Earle of Crawford* was in effect wonne to their party; that the Provost informed him, that the *Hammitons*, *Douglasses* and others banished, then remaining in *England*, were agreed. The Provost being examined denied, and offered the combat to *George Drummond*. Howbeit nothing could be objected against the *Master of Marr*, yet it was concluded in Council, that he shall deliver the keeping of the Castle of *Edinburgh* to *Arran*, without which he thought not himself secure.

Hounsdsane
and Arrans
conference
discussed.

The Lord *Hounsdsane*, Warden of the east *Marches* in *England*, and the *Earle of Arran* met at *Fouldane*. *Hounsdsane* dealt for a delay of the other Parliament, which was now approaching, or at least, that nothing be done in it, to the prejudice of the Noblemen and others, who were in *England*. *Arran* answered, that the King gave remission to as many as would acknowledge their fault for the roade of *Rutburn*, and seek remission; and such as would not, he thought fit to remove and banish for time, to trie their farther loyaltie, in which time they conspired upon the second apprehension of the King, and killing of himself and others, and seduced the Ministers to gaine them to their faction, and now being in

England

England have entred on a third, to the dishonour of her Majestie, so far as in them lieth, or at least to cause the King conceive some unkindness in her Majestie, for harbouring of them: that this third conspiracie was to kill himself and some others, to sease upon the Castle of *Edinburgh*, to call home the banished Lords, to take charge of the King; that all this is confessed by *Drummond*, and not much denied by the Provost of *Glencluden*; and that thereupon the Constable of the Castle fled. Therefore if her Majestie should presse the King for them at this time, it will rather hinder the Amitie, then further it: and seing they seek his life chiefly, he could not in reason procure them any good. *Houns-dane* proponed these articles, whereunto he craved an answer. 1. The hard pursuing of all such, as have been noted to be well affected to the *Queen's* Majestie. 2. The Kings inhibition by publick proclamation of such, as he hath banished, not to repair unto *England*, to make dislike and unkindness between their Majesties more open and apparent to the world. 3. The receit and harbouring of Jesuits, and other fugitives, and not delivering them according to promise. 4. His agreement with his Mother touching the association, without her Majesties privitie, contrare to the assurance given by him to her Majestie. 5. His employment of sundrie Subjects of his toward the *Pope*, the *Kings of Spaine & France*, and other inferiour Princes, to provoke them to attempt something against the *English*, as his most capitall enemies. 6. The contemptuous usage of such ministers, as were sent to him. *Arran* answered, that their good will and affection to her Majestie was at no time laid to their charge, but capital actions of treason; that his Majestie hath even since manifested his care to intertaine the Amitie, by chusing out good instruments to deal between her Majestie and Him. To the second, that the bruits that come to his ears of their Conspiracies and Treason, which they have since accomplished so far as in them lay, moved his Highness to inhibite them to repare to any place so neer his Realme, lest they should have attempted these things, which not long since they did attempt, being far her distant, both by sea and land. To the third, his Majestie would be glad, that no fugitives of either Realme should be received by other; albeit in times bygone his Majestie hath been constrained to reser her Majesties mean rebels and fugitives, contrare his good natural, since her Majestie hath reser in effect the greatest rebels and traitours his Majestie ever had. To the fourth he answered, it is altogether false and untrue. To the fifth, in like manner. To the sixth, he denied, that his Majestie used any of her Ministers so; and if his Majestie had, sufficient cause was given by them.

An unknown Author made a reply to these answers. To the first, that it appeareth, that such as carrie affection to her Majestie are persecuted for that cause, seing no man is chosen to travel between their Majesties, but such as never wished Her felicitie, and only such are pursued, as are of a contrarie disposition. It is true, they are not openly accused of their affection to her Majestie, but under pretence of treason are punished for their Religion and good Affection to *England*? Who is zealously affected to Religion or to *England*, that is free from calamity? Who is a Papist, or enemy to the Estate of *England*, that is not advanced, at least in better case then he hath been heretofore at any time? As for the faction of treason, manifested by the three Estates, it is known well enough, how that matter was conveyed, and that the

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whole forme of justice used in *Scotland* is so subject to the inclination of the Prince and his Familiars, that the same dependeth upon the Prince's good or bad disposition, who accordingly as he governeth vertuously or otherways, so follow the conclusions & acts of his Judges Criminal, Lords of Session, Privie Council & Estes in Parliamant, to be of the self same quality, whensoever any grear and weighty matter is treated before them, wherein it pleaseth the Prince to interpose himself. So it is no new thing in *Scotland* to see the guilty purged, and the vertuous condemned, when the Estate is governed by pernicious counsell, and yet the whole bodie of the State is not culpable, but some speciall members: For the three Estates convened in Parliamant, to judge upon the matter of treason, must judge *secundum allegata & probata*; and if the person compear not to justifie himself, nor no other by permission be licensed to plead for him, what can the Estates do, but pronounce *condemnatur*. And the same forme is used before the justiciaries in Assises. When *Davie the Italian* governed at pleasure, *Hammiltoun*, the *Earles of Murray, Glencarn, Rothefs* were banished, and near the point of forfaiture, and the best of the land for the time were esteemed the only traitours by the declaration of the Estates. *Bothuel* the murderer of the King was purged by an Assise, and the best friends to the murdered King were banished, forfaitured and thrown down, even by an outward shew of justice, and by declaration of the Estates. *Mortoun*, chief avenger of the Murder, was condemned as criminal of the same. *Gowrie* beheaded, and the rest of the fellowship, which preserved the King, after the Murderer had married his Mother, are banished and forfaitured with no better forme of Justice, and no lesse wresting of Law, then was practised in purging of *Bothuel*. To the second, If his Majestie restrained his Subjects to repaire to Princes Dominions, where he hath a good affection, then why were they not restrained to go to *France, Spaine or Rome*, which places appear all to be more honoured and favoured then *England*, by reason of honourable Ambassadors sent openly to some of them, and privat messengers to others, with continual intelligence, & testimonies of favour passing between. Farther, This restraint had not been published, if there had not been a diffidence in her Majestie. The mightiest of her own Subjects dare not presume any thing at home or abroad without her privitie, much lesse afflicted strangers, in number few and evil-furnished for attempting any interprise. To the third, None are received in *England*, but such as are known to be zealous in the true Religion, of whom a great part is the most learned and godly of the Ministrie; none but such as no fortune adverse or prosperous could ever move to shake off their natural subjection and obedience due to the King; none that have been known to be publick enemies to His Life & Crown, in his youth, or at any other time after; such as have purchased the wrath of his Mother and of the house of *Hammiltoun*. But in *Scotland* obstinat Papists, Jesuits and seminarie Priests are received, such as have abjured their loyalty and obedience to her Highness, esteeming her Majestie to possess the Crown by usurpation; because of her defection from the Roman See, and such as think they can have no surety but by her destruction. And moved the King to send a privie command to the Captain of the Castle of *Edinburgh*, to set *Holt* at libertie, notwithstanding of the promise made of his deliverie. To the fourth, He denieth not agreement *simpliciter*, which is dishonourable without the privitie of the *Queen* of *England*.

such

such others as seeking to defend Him have offended Her, much more if to the destruction of those that preserved His life. He denieth only agreement concerning the association. But why did his Mother testifie to some very worshipfull and credible in *England*, that her Son was so bound to her by writ, that he could do no matter of importance without her consent? Why did the King confesse to Her Majesties Ambassadour, that there were certain articles presented to him by the *Duke of Lennox*, sent from his Mother, which he subscribed, after he had reformed them in some things? Who are forsaulted, executed, banished, distressed and out of favour, but only such as the Kings Mother is offended at? Who rewarded and advanced, but such as she liked of? To the *fift*, Are not the Popes Apostles secret and familiar with his Majestie. one *Mr William Bellenden* a jesuit came the last summer from *Paris*, spake secretly with the King, and thereafter with all possible haste took post from *Paris* to *Rome*. Beside this, the Kings Ambassadour and His Mothers, now resident in *France*, frequent daily with the *Popes Nuncio*, and have with the said *Nuncio*, and the Ambassadors of other Popish Estates daily consultations, which he would not use nor frequent without Commandment, or Permission, To the *sixt*, It cannot be denied, there was strait watching of the Ambassadors Houses, that no loving nor familiar friend might come unto them; unfriends to their Estate were directed to confesse with them, and to accompany them; their servants were quarrell'd upon the streets; hagbits were shot in at their windows; some of them were dispatched without compliments due to Ambassadors; their gestures were counterfited before the King in his Chamber privately: and yet *Arran*, the chief deviser of all these incivilities, denieth the uncivil usage of them. If they transgressed, yet the King ought to have tried their transgression: *Next*, for reverence of Her Majestie, should have dispatched them in Princely and liberal manner. The Bishop of *Ross*, agent for the Kings Mother, was declared guiltie of treason and conspiracie against her Majesties Estate and Person; and yet because he was a stranger, was set at libertie; The Ambassadour of *Spain*, found guiltie of the like, was notwithstanding for reverence of his Master, suffered to depart with all provision necessarie. *Master Randel*, the English Ambassadour, was an Instrument sent for the safety of *Mortoun*; and therefore *Arran* caused shoot in a hagbit against that part of the Chamber, where he was most accustomed to sit.

After *Arrans* returne, the Parliament was holden at *Edinburgh* about the end of *August*. *Crawford* carried the sword, *Huntlie*, the Scepter, *Ludovick* the young *Duke of Lennox*, the Crown. The *Earles of Angus and Marr*, the *Master of Glames*, and sundrie other of their friends and adherents, were forsaulted.

An Act was made at this Parliament, that all Ministers, Readers and Masters of Colledges, should compear within fourtie dayes, and subscribe the Act of Parliament, concerning the Kings power over all Estates spiritual and temporal, and submit themselves to the Bishops their Ordinaries, under the pain of losing their stipends, with certification they should not be heard afterward. *Mr John Craig*, *John Braid*, and some other Ministers were called before the Councel, and demanded how they durst be so bold as to control the late Acts of Parliament. *Mr Craig* answered, they will finde fault with any thing repugnant to Gods Word. *Arran* fast upon his feet, and said, they were too peart, he should

A Parliament.

Ministers urged to subscribe the Acts.

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shave their head, pair their nailes, cut their toes, and make them an example to all that rebelled against the King and his Council. There they were charged to compear before the King at *Falkland* the fourth of September. There they were accused for transgressing the Acts of Parliament, but specially for not obeying the Bishops injunctions. Some hot speeches past between *Mr John Craig* and the pretended Bishop of *St Andrews*, in presence of the King. *Arran* speaking outrageously to *Mr Craig*, he answered to him, there hath been as great men, and set up higher, that have been brought low. *Arran* replied, I shall make thee of a false Frier a true propher, and so sitting down upon his knee said, now I am humbled. Nay said *Mr Craig*, mock the servants of God as thou wilt, God will not be mocked, but shall make thee finde it in earnest, when thou shalt be cast down from the high horse of thy pride, and humbled. This came to passe within few years after, when he was thrown down off his horse with a spear, by *James Douglas* of *Parkhead*, killed, and his corps exposed to dogs and swine, before it was buried. *Mr Craig* was discharged to preach in *Edinburgh*. The King and Council appointed the pretended Bishop of *St Andrews* to preach in his place. So soon as he entred in pulpit, in the great Kirk, the people for the most part both men & women went forth. Some indifferent men & Court-pleasers stayed. During the time of his teaching in *Edinburgh*, many libels were spread, painting out all his falshoods and knavery. *Edward* and *James Cathkines* brethren for knocking upon the Kirk door, while the Bishop was at prayer, were cited; but fled to *England*.

Arran was chosen Provost of *Edinburgh* upon the sixt of October. So he was now both captain of the Castle and Provost of the Town.

About this time *Mr William Crichton* a Jesuit, coming to *Scotland*, was taken by pirats. He rave the Letters which he carried, & threw them into the sea. But they were blowne back againe by the winde to the ship, and sent to *England*. By the cunning and industrie of *Sir William Wake*, Ambassadour before of late in *Spaine*, the riven pieces were set together, which discovered new plots of the Pope, the King of *Spaine* and the *Gaiians*, concerning the invasion of *England*. Upon this & other the like occasions, many in *England* of all Estates subscribed a band, for maintenance and defence of *Queen Elizabeth*, and pursuing all such as attempted any thing against her.

Master James Lowson, one of the banished Ministers, partly through travel and change of the air, partly through misbehaviour of some of his flock, who subscribed the Letter, wherein they were called Wolfes and Hirelings, being of a melancholick disposition, fell in a heavie disease, which resolved in a dysenterie. He ended the course of his life the twelfth of October in *London*, and was buried beside *Master Deering*. Great was his grief that he was inhibite to preach: for after *Arrans* last conference with *Hounsane*, the banished Ministers were discharged to preach, in any place in *England*. He thanked God, that had moved him to dedicat himself to the Ministrie, to preach the Word purely, and without fear of the faces of men; and to procure the establishing of that ecclesiastical Discipline, which is contained in the Scriptures; and for calling him to that honour, as to suffer for the constant defence of the same.

The tenor of the writ or Obligation, which the Ministers & others were urged to subscribe, about this time.

We, the beneficed men, Ministers, Readers and Masters of Schooles

The Jesuit Crichton apprehended &c

Mastr. James Lowson's death.

The forme to be subscribed by the Ministers.

and

and Colledges testifie and promise, by these our hand writs; our dutifull and humble submission and fidelitie to our Sovereigne Lord the Kings Majestie, and to obey with all humilitie his Highness acts of his late Parliament, holden at *Edinburgh*, the twenty two day of *May Anno 1584*. And that according to the same, we shall shew our obedience to our Ordinar Bishop, or Commissioner, appointed by his Majestie to have the exercise of the Spiritual jurisdiction in our Diocie; and in case of our disobedience in the premisses, to be content, that our benefices, livings & stipends vaik *ipso facto*; and qualified and obedient persons be provided in our roomes, as if we were naturally dead.

There were also other formes.

Mr Patrick Galloway came from *London* to *Newcastle* to the banished Lords, and stayed with them. Whereupon *Mr James Melvine* was desired by the Lords to remaine a while at *Berwick*; because the Commendators of *Cambuskenneth*, *Dryburgh* and *Paisley*, *George Douglas* of *Parkhead*, and sundrie other Gentlemen had their residence there. He was exercised in privat among them; because the Lord *Hounsdlane* Governour of *Berwick* had discharged him to preach publickly. While he was at *Berwick*, hearing of the writ, which Ministers were urged to subscribe, in time of modification of stipends, and that a number of the Ministrie had shoven themselves very weak, he sent a prolix Letter to the Brethren, who stood constant, and strengthened them farther with reasons, or others that had not been yet assailed; and expositulateth with such as had subscribed. *First*, saith he, by approving of that act of Parliament, anent the Kings Supremacie in all causes, as well Ecclesiastical as Civil, and that no appellation be made from him, ye have not only set up a new *Pope*, and so become traitours to Christ, and condescended to the Chief error of Papistrie, whereupon all the rest depend; but farther, in so doing, ye have granted more to the King, then ever the *Popes* of *Rome* peaceably obtained: for the Council of *Constance* and *Basile* decreed, and evicted by Reason and Scripture, that it was not only a veritie, but a point of faith, that the Council should be above the *Pope*, and there should be appellation from the *Pope* to the Council. Ye have subscribed, that whosoever, in any matter Ecclesiastical, declineth the King and Councils judgement, shall be repute, and punished as a traitour. What if Jesuits flock home, and finde greater favour in Court then Ministers, and challenge you for the Doctrine of Justification &c. shall the King and his Council be judge, and no appellation made under the paine of treason? Ye have taken away the lawful power, by your subscriptions, of Pastors, Doctors and Elders of the Kirk, which they have to convene, in the name and authoritie of Christ, the only Sovereigne Ruler and Commander of his Kirk, for discharging of their duties and callings, which he hath laid on them, to be used for his service, and salvation of the soules of his people. And truly, as well might they have discharged the Conventions for hearing of the Word and ministracion of the Sacraments, as for the exercise of Discipline and Government of the Kirk; seing the one is no lesse laid upon the back of the Officers of Christs Kingdome, as a special part of their dutie and charge, then the former; and they have the command and power to use it, no lesse then the other, without waiting for any authoritie or command of men. As freely as the King hath his power and authoritie of God the Creator, to

Reasons
against sub-
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discharge his Office, in things civil and temporal, as freely have Pastors, Doctors, Elders and Deacons in the Kirk, power & authoritie from Christ their Mediator, to do their Office, in things Heavenly and Spirituall. It was only the Assemblies and Presbyteries, as all that feared God; yea and the enemies themselves, know, that was the ordinarie mean to keep the Kirk of *Scotland* from the pollutions of Vices, Heresies, and Schismes, which now being taken away, vice and wickedness will overflow. For who shall take order therewith? The Court and Bishops? As well as *Martine Elliot* and *Will of Kinmonth* with stealing on the borders. Heresie, Atheisme and Popery shall break-in; For who shall resist it? The Bishops? Put the case that such as have sold God, Religion and Heaven for this present world, could have the grace to withstand Papists and Atheists, who would be greater in Court, from which the Bishops have their Power and Authoritie, and can, or dare do nothing without special command or leave of it) than the beggarly Bishops, and all their Clergie. The Schismes and Controversies, which arise, shall no wayes be composed, nor extinguished by the brotherly and humble conventions in equalitie (as the happie experience of twenty six years by past hath proven our Assemblies to have done) but contrariwise by the proud ambition and vanitie of the Bishops, shall be daily fostered and increased; the proof and experience whereof ye may read in the Ecclesiasticall storie, after the first three hundreth years, when Bishops began under Christian Emperours to get ease, honour and riches, and to usurpe Lordly Authoritie and Preeminence over their Brethren. So pernicious hath it been to lay aside the Word of God, and right Rule of governing his Kirk by equality among his Pastors. Ye have consented and subscribed, that these Bishops shall have the oversight and ruling of all the Kirks. The persons that ye have presently subscribed obedience unto, are infamous, vile men; not only of the base sort among the people, as were the Priests of *Jeroboam*, but most dissolute and scandalous in their life. Have ye not by your hand-writ, the seal of your truth, bound your selves as slaves to the wicked appetite and affection of a blinde, godless Court, overflowing with all kind of sin and impietie; and to a Bishop, to whom I cannot give a condigne epithete, and I am sure a thousand would not expresse his vices, as ye yourselves and all the world can witness? And, which is worst of all, have ye not brought the Libertie of the Spirit, and the Preaching of the Word, the dispensation whereof is concreded unto you, in most abominable thraldome? So that ye dare not reprove vice without exception of persons, nor preach the truth freely, as your God and your Conscience teach you, and command: For, dare ye now rebuke the contemners of God, of Religion, and of faithfull Ministers, the Blasphemers of Gods Name and his Truth, devilish Dissimulation, open Devilrie, Perjurie, Persecution, Tyrannie, Crueltie, Oppression, Drunkenness, Whoredome, Scorning of God & man, Ambition, Avarice, Flatterie, Lying, Breaking of promise, Tricking, Taunting, Deceiving, Profanation of the Word of God, Sacrilege, Simonie, Witchcraft, shameless Obscenity, Villanie, Apostacie & Menswearing of that which the mouth hath professed, and publicly uttered and taught, the hand hath often subscribed with the great oath of the Lord interponed therein; Seing your new erected Popery; and namely your famous Ordinar, the *Archbishop*, to whom ye have bound your obedience, is altogether festered, and overgone with them? Some of the subscrib-

ers, not

ers not only subscribed themselves, but also, like desperat Pest-folkes, destitute of Christian Charitie, travelled to seduce and infect others; and betrayed those that were constant, by delating them to the Persecutor. To those that pretended ignorance, he saith, they had many means to be informed in their privat studies, by reading of the Scriptures, and writings of learned men. *Farther*, saith he, how were these heeds handled publickly in the Assemblies? Was not the General Assemblie, by the space of six or seven Years, almost wholly occupied in these questions? Were not the Ministers in all the Quarters of the Countrey earnestly exhorted, and by publick Authoritie commanded, to search and seek the Scriptures diligently, and witters both Old and New, for finding out of the undoubted truth? Were there not Conferences appointed to be kept in all parts among the Brethren in their weekly Exercises, and Provincial Assemblies? from which men, well instructed with reasons and the judgement of the rest, were sent from time to time to the General Assemblies, where the opinions and reasons of all men were examined and tried, through every Heed of the Discipline; and after long and often reasoning all put to voting, and by uniforme consent concluded, and digisted, and registred in the Books of the said Assembly; & it was ordained, that the extract thereof should be given to every Presbyterie within the Realme. *Farther*, the continual practice of the self same Discipline, these diverse Years bypast, may make us inexcusable before God, his Kirk and his Angels. As for those that lamented their own weakness and feebleness, he adviseth them to remove the publick slander, by going boldly to the King, and Lords of the Exchequer, and shew them how they have fallen through weakness, but by Gods Power are risen again, and there, by publick note and witness taken, free themselves from that subscription, and to will the same to be delete, renouncing and detasting it plainly, and thereafter publickly in their Sermons, and by their Declaration, and Retraction in writ, presented to the faithful, manifest the same. Let them do with Stipend, Benefice and Life it self, what they list.

There were other reasons also current in the hands of the Ministrie, about these times; to witz, these following. Under this general, *obey your Ordinar*, may be contained many particulars, as it shall please men to command, which should be expressed and proved by the Word of God; that men may know what they approve. Before that any innovation be made in the Policie of the Kirk, alreadie concluded by common consent, a General Assembly should be convocat, vvhether matters in controversie may be friendly and openly debated, otherwayes a door is opened to Schisme, and to Hypocrits to enter into the Kirk, and occasion given to close the mouths of the godly. Those who crave obedience have no Spiritual Jurisdiction in the Kirk at this present, nor never had in our time any such obedience, as they crave. The Confession of our Faith, which we have subscribed, damned this Estate. The Confession of *Helvetia*, subscribed by us and many Christians in *Europe*, makes against it. That the name of Bishops should be given to them only, agreeth not with the Word. That the whole Estate was devised by Man, the pattern borrowed from profane Idolaters, and was the foundation of Roman Supremacie. They claime Authority and Jurisdiction over Ministers, assume worldly and ambi-

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rious Titles, and confound Jurisdictions without warrant of the Word. They are Pastors without a flock, and excoemed from the Discipline of the Kirk: whereas before in the ancient Kirk, one Town and City had many Bishops; now ambition and covetousness have given a whole Province to one, and many to the Archbishop, not for comfort to the Kirk, but to make some few rich, honourable and great in the World. They have subscribed the forme of Discipline, and promised obedience to the Kirk; and now they will empire above the Kirk, and violat their promise. Who should believe us, if we damne that which we have allowed and maintained these many Years bygone? It is very strange, that we should be charged with the subscription of the Lawes and Acts of Parliament, seing that was never required before of any Subject within this Realme. We are the Kings lieges; if we offend against the Lawes, we may be punished according to the Lawes. And many Lawes there be, and Acts of Parliament, that no Person practise; because they are not thought expedient for the Commonwealth, and are revocable at the will of the Prince and the Estates. As for *Patrick*, called *Archbishop of St. Andrews*, though it were lawful to us to render obedience to Bishops, yet can we not submit ourselves to him, nor to his injunctions: for he for just causes is lawfully suspended from all function and Office of the Kirk, by decreet of the General Assembly, which hitherto he hath never sought to be retreated. As for Commissioners to be deputed for Ecclesiastical causes, we cannot by the Word of God acknowledge any other judges, but those who have the Spiritual Sword of the Word committed to them by the same word, who are Ministers thereof, and constitute in Ecclesiastical function: for the Keyes of the Kingdom of Heaven, with power to binde and loose in matters of Conscience, are not given by our Master Christ to Civil Magistrats, nor to their Deputies.

Some Students at St Andrews flee.

The Master of Gray's negotiation, in England.

Mr Nicol Dalgleish imprisoned, &c.

Some Students of Theologie in *St Andrews* such as *James Robertson*, afterward Minister at *Dundie*, & *Mr John Caldcleugh*, were forced to flee out of the Countrey, for Copying of *Mr James Melvin's* Letter above mentioned.

The Master of *Gray* should have been Excommunicated for his obstinacie in Popery, if the State of the Kirk had not been troubled. But now when he is sent to *England* in Ambassage, he giveth himself out for a Protestant. *Mr Archbald Douglas*, howbeit he was at the Murder of the Kings Father, as was then constantly reported, traffiqued between the French Ambassadour and him, which made the English Court to suspect his errands were other then he pretended: yet he prevailed thus far, that the Banished Lords were commanded to addresse themselves to the south; because it was the Kings desire, that they might be drawn farther from their friends in *Scotland*, seing he could not obtaine the rendering of them, or driving of them out of the Countrey.

Master *Nicol Dalgleish*, Minister of the West Kirk beside *Edinburgh*, was accused before the King and Councel, for praying for the afflicted Brethren, who were banished; and the scaffold was set up for the Execution, and stood so a long time; because he would not confesse a fault in praying for the banished Brethren, which, as the King did interpret, did inuenuat that he was a Persecutor.

About

About the end of *December*, *Mr Craig* and *John Duncansone*, Preachers to the Kings Domesticks, and *John Brand* Minister at *Haby-rudhouse*, induced by the King and some chief Courtiers, subscribed the writ, which was urged upon the Ministers, adding this clause, according to the Word of God; and laboured to perswade others to do the like. To this effect *Mr Craig* wrote this Letter following.

Brethren, after my very heartie Commendations, I doubt not but either ye have heard, or will hear shortly, how *John Duncansone* and I have subscribed the Obligation of obedience to the Kings Majestie, and Commissioners, according to the late act of Parliament, whereof because sinistrous reports may passe, both of the Kings Majestie commanding, and of us obeying, I thought good to make you privie to the same. It hath pleased his Majestie to grant to *John Duncansone* and me the favour, to conferre with himself privatly, and thereafter with my Lords, the *Earle of Arran* and his *Secretarie*, his Majestie being present in the Cabinet, where after reasons heard and proponed on every side, in end two heeds were agreed upon: *First*, that our subscription was not sought to be an allowance, either of the Acts of Parliament, or of the State of Bishops; But to be a Testimonie of our obedience to his Majestie. *Next*, it was not craved, but according to the Word of God: And therefore our Obligation containeth nothing, but our obedience to the Kings Majesties Lawes and Commissioners, according to the Word of God; which no man can refuse, that loveth the quietness of the Kirk or Commonwealth. Therefore I pray you, shew this to the Brethren, whom ye may advertise, either by word or by writ, that they, being informed of his Majesties good meaning, may be conformable to the same, to the end that the Evangel may have free passage with quietness and peace; & evill affected persons, who of the schisme of the Kirk or Commonwealth make their advantage, may be frustrated of their expectation.

R E X.

We declare by these presents, that this Letter within contained was written with our knowledge, and directed at our Command, to certifie all men of our good meaning, that none have occasi on to doubt of the same.

Some were deluded, not taking up the sophistrie of the clause, which was added. Others were contented of any colour to blinde the eyes of the people. But many perceived the Sophistrie, & stood out. For promising obedience to the Kings Acts, and consequently to Bishops and Commissioners according to the Word of God, what was it else, but a yeelding to that Authoritie, which before was damned and rejected? it was the authoritie and jurisdiction it self that was damned before, and not unlawfull commandments and proceedings only.

Master Andrew Simpson, subscribed after this forme following.

I *Master Andrew Simpson* Minister of *Dalkeith*, swear by the name of the great God, that I shall not preach any Heresie or seditious Doctrine, nor shall privatly nor publickly stirre up the Kings Majesties Subjects to any Rebellion; and shall obey all his Lawes, and Acts of Parliament, so far as they agree with the Word of God.

The Acts of Parliament, holden the last *May*, were so tossed among the Subjects, and disliked by good men, that the Court was forced

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M. Andrew Simpson
subscribed.

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M. P. Adamsons
declaration of the
Kings intentions
&c. con-
futed.

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to set *Mr Patrick Adamson*, that chief deviser, on work to make a declaration of the meaning, and that in the Kings name. This declaration came to light in *Januar*, and was after so greedily embraced by the English Bishops, that after the printing of it here, it was reprinted with an odious preface of alledged treasons prefixed unto it, and, to preserve the memorie of it, insert in the Chronicle of *England*, compiled by *Holinshed*, and continued by *Francis Thinne*. Our Kirk was ever careful, and specially at the same time, to entertaine the Amitie between the two Nations, and deserved no such indignitie at their hands. But let such a lying libell lye there, as a blur to blot their Chronicles.

In glossing upon the second act, he maketh mention here and there of the Kings Authoritie, sometime as though it were Absolute, and sometime as though it were Limited & Bounded; so that the declaration it self had need of a new declaration, in that point. Whereas he alledgeith, that his Majestie will follow the example of godly Emperours, in Convocating of learned men, to conferre upon matters of heresie: his declaration hath not the strength of an act, neither can he assure us, that his Majestie, his Heirs and Successours will Conyocat Learned men, and stand to their decision. As for alledging, that *Mr Andrew Melvin's* protestation was the occasion, cannot excuse the making of the act, if it be not justifiable in the self. But the truth is, he protested only for that same libertie, which was granted to others, to wit, to answer in *prima instantia* before his Ordinar, the Presbyterie, Provincial or National Assembly, according to the agreement concluded between certain of the Council & Commissioners of the Kirk, and practice ensueing thereupon; or that he might enjoy the liberties of the Universitie. As for the matter of his accusation, both his own declaration by word, and by writ, and the deposition of the witnesses, cleared him. Whereas he maketh him privie to diverse Conspiracies; he nor all the rest of his adversaries could not make it good, that he understood any thing, either of the roade of *Ruthwen*, or of the roade of *Stirling*. For these are the two Conspiracies he meaneth.

In discoursing upon the fourth act, he detracteth General Assemblies and Presbyteries, the walls and bulwarks of our Discipline, the two greatest eye-sores the Bishops can behold. As for our Generall Assemblies, they were ever frequented by men of credite about the King and his Regents: For some were authorised by Commission from them, to repaire to them from time to time. The King and his Regents held hand to them, and so by their action allowed them; which is more then a tacite consent: yea and by their Lawes approved them; for the execution of acts against Papists, is in part referred to the Assembly. Commissioners were directed from Parliament to conferre with Commissioners appointed by the Assembly. Appellations of laick patrons are ordained to end at the General Assembly. Superintendents, Possessors or Titulars of Prelacies, are ordained to be called before the General Assembly, and to be deprived, in case they be found hereticall in Doctrine. The acts, ratifying the jurisdiction of the Kirk, by consequence also ratified the Generall Assemblies, where all Ecclesiasticall Jurisdiction was ordered, and sometime exercised. The Letter directed by the General Assembly, holden at *Edinburgh* the sixt of *March*. 1574. maketh mention of an act of Parliament, allowing the holding of the General Assembly twice in the year. Put the case the General Assemblies had not

had allowance hitherto, yet they ought not to have been discharged; for they have their warrant & institution from *Christ*. They need no more of Christian Princes, but their approbation and assistance to their better being. He pretendeth some Inconveniencies to flow from the Assemblies: to wit, that they approved of the roade of *Ruthwen*, which was declared treasonable. But it was not declared treasonable in the mean time; neither would the Assembly have meddled with it, if they had not been induced by good reasons; as ye may see in the storie preceeding. He inveigheth like a bellie God against the solemn Fasts indicted by the Assemblies, as if rebellion had been intended under the pretext of fasts: which was impossible; for how could the Assemblie, consisting of Persons of all Estates, his Majesties Commissioners being alwayes present, indict a fast, or the people observe it, and the Rebellion not be discovered. The enemies of the Kirk have been more afraid of these Fasts, then of great armies of men, as they themselves have confessed. That the Assembly was accustomed to prescribe lawes to the King; that they commanded King and Council, under the paine of Excommunication, to appoint no Bishop in times to come, and such other Calumnies are not worthy to be answered. For to draw out of the pure fountains of Gods Word an Ecclesiastical Policie, agreeable to the same, and to seek like humble supplicants an approbation, is not to prescribe lawes to the King & Estate: Yea it is the dutie of Pastors to admonish and reprove Princes, and Estates, in case they will not put to their helping hand to the godly Constitutions of the Kirk. As for Presbyteries, they were appointed by universal consent, yea even of this Adversarie himself: the King likewise by his Commissioners approved the same, in an Assembly holden at *Glasgow* in *Aprile* 1581. And farther by his Commission in writ, subscribed with his own hand, & directed to the Ministers, Barons and Gentlemen in sundrie parts of the land, for the erection of the said Presbyteries, according to the forme agreed upon; which Commission was readily, as became, put in execution. When he hath searched all that he can, to disgrace Presbyteries, he alledged but one Particular, to wit, that the Presbyterie of *Edinburgh* appointed a Fast, to be keeped the day that the French Ambassadour *De la mot* was banqueted by the Town of *Edinburgh*. But first, not the Town, but some Particular men, for their particular gaine & furtherance of their traffique with *France*, feasted that Ambassadour. Three Bailiffes & the greatest part of the Town Council, were in the Kirk, in the time of the banquet: & some also of the Kings privie Council. Next, there was no Fasting indicted, but a voluntarie Abstinence. Thirdly, not the Presbyterie, which could not convene so suddennlie, but the Particular Session of the Kirk of *Edinburgh*, with advice of so many Magistrates & Counsellours, as were not devisers of the banquet, appointed a voluntarie Abstinence. What if the Presbyterie had done, as he alledgeth? Should all the Presbyteries be discharged for the fault of one? Then let all Bishops be hanged as Traitors, because not only one, but many Bishops have been Traitors. Or shall all Sessions & Parish Consistories be abolished for the fault of one? But the fault was not so great, as he would have it: for that Ambassadour excused his Master, that he could not visite the King, till his Mother first allowed of it; & that now she was content it should be published, & that she had associated him with her self in conjunct Authoritie: for by this means, all that had been done by these that maintained his Authoritie, or by himself, since his entrie to

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his reign, might have been called in question. If the penner of the Declaration had not been partial, he might have declared, how the English Ambassadors, coming from a Christian Prince, acknowledging the King a sole King, & trafficking between the two neighbour Kingdomes for a firme Confederacie, which tended to the Establishing of Religion, were notwithstanding uncourteously used by the *French* faction. One was railed upon in the streets by *Kate* the witch, & other like bairds & naughty packs, who were hired by the Courtiers for that purpose: *Master Randall* had received a bullet, in steed of a banquet, if God had not provided for his safety. But belike the penner cared not much what became of them, so that good chear were made to his knight of the Councel of *Trent*. *Isaiah* reprov'd *Ezechiah* for his too familiar intertaining of the Babilonish Ambassadors. Necessary intertainment & common courtesie, allowed by the Law of Nations, no man denied.

As to the twentieth Act, he defendeth the state of Bishops, as most agreeable to Gods Word, which before he condemned. He coloureth their Monarchie with a Councel, which shall assist them in their Diocies: But this Councel should be at the Bishops choise. So ye may be sure, they shall be as corrupt as himself; & then forsooth, ye should have had a knot of good fellows, or rather a pack of placeboes, to bridle the Bishops tyrannie. But what, suppose they had been chosen to his hand? Is the Holy Ghost gone from the rest, and tied to the places & Persons of a few Chapterly men? Must the keyes of the Kingdom of heaven, given to all Pastors, be put in the hands of Bishops Counsellors?

Other answers.

There was a Dialogue set forth in writ, wherein three Persons were brought in, as interloquutors, *Zelator* & the *Temporizer* reasone about Ministers subscription, & the Bishops declaration, & *Palemon* brought in as judge, *Zelator* taketh upon him to shew the iniquitie of subscription, & the errors of the declaration. He taketh the name of *Zelator* upon him, because *Mr Patrick Adamsone*, in the forged Testament, which he would have given out under *Mr James Lawsons* name, imposeth this name upon the sincerest Preachers: For the nickname of Puritane was not then known among us. The Dialogue is prolix, I will therefore content me with the summe of *Zelator's* part, wherein *Palemon* acquiesced.

God knoweth, sayes *Zelator*, what wound it hath been to my heart, to see us, that should be mirrours of unitie to the world, to be authors of so lamentable a division. There is a great slander among the simple people for this confusion & division, that is among us; some subscribing, & justifying Acts, Declaration & all; some subscribing Obedience to the Acts, but not justifying the Acts, say they; some with addition of according to Gods Word; some after one forme; some after another; & some approving none of the formes, affirming that matters of Religion should not be handled sophistically; & therefore have chused rather the hazard of the utter most inconvenience that may befall them, then to halt between two. The King is confirmed in his opinion, that his course is lawful, while it hath the approbation of so great a number, subscribing either after one forme, or an other.

I cannot allow any subscribed Obedience to his Acts of the late Parliament, because some of them are directly repugnant to the Word of God. The second act permitteeth to the King, & Councel, judgement of all causes Ecclesiastical. I grant, the King is judge to all his Subjects, but not di-

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rectly to all the causes of all his Subjects: for even in temporal things the King & Councel may be declined, in many causes: neither doth it follow, that we must have more Kings in the Realme then one; for diverse formes of judgement, according to the diversitie of causes, may be under one King, and yet his royal power never a white impaired. Christ hath committed the Government of the Kirk to the Office-bearers within it, to wit, to Pastors, Doctors and Elders. In which Government the King is not excluded, but hath his place and power to Watch over all these, & to see that they discharge their calling; but in such sort, that it is not lawful to him to do any part of their office. It is no new thing in a Subject, to decline the Kings judgement: falleth not that out almost every day before the secret Councel? Declined not *Mr John Cramond*, within twentie dayes after *Mr Andrew Melvins* diet, the King & Councel as judges incompetent, for exhibition of the heretrix of *Baderule*, and notwithstanding was never quarrelled as a decliner of the Kings Authoritie.

The Acts take away the conveening of the Brethren to the Doctrine of the Exercise, & conveening of Ministers, Elders and Deacons, for ordering of the Policie of the Kirk, whereof they have the Government, for repressing of vices, visiting and comforting the sick, & providing for the poor. If the preaching of the Word and ministration of the Sacraments be of necessitie, so is also the Policie of the Kirk, which is commanded by the same Author, with threatning of judgements upon the negligent Office-bearers, to whom the Policie is concredited. To what end were such things commanded? Why is there any such calling? Why are hands laid upon them? If there be not a necessitie.

If Temporizers will say, that these Conventions are not discharged *simpliciter*, but only not to be used without his Majesties licence. I Answer, if it be permitted to his Majestie by Law to restrain the libertie, which God hath not only given, but also straitly enjoined to the Office bearers of the Kirk, if there arise a King not settled in Religion, he shall alledge it is as lawful to him to discharge *simpliciter*, as to his Predecessors to restrain: At the least, having the power in his hand to permit the libertie, he shall never grant the libertie of these Exercises. What glosse is it to say, notwithstanding God hath commanded thee this & this, so & so to do; yet to say, thou shalt not do it without special licence. Temporizer objecting, that the Bishop of *St Andrews* in the King's and Councel's name affirmed, that the meaning of the Estates was not to touch or impare the liberty of particular Sessions, or Convention to the Exercise, in the making of their Act; and that the King sent, immediately after the making of it, a Letter under his hand-writ & of some of his Counsel, subscribed by *John Andrew*, and signed with the signet of the Secret Councel, to the Town of *Edinburgh*, dispensing with that act, permitting to them both the libertie of the Exercise of the Word, & Conveening of the Kirk, for correction of manners. Zelator answereth, that such a dispensation confirmeth the act; and that therefore by vertue of the Act, the King may discharge both.

Let it be, that men were only pressed to subscribe simple obedience, & not allowance of the Act, with what Conscience can they oblige themselves to obey Acts, repugnant to the Word of God?

Shall grave, wise and learned men be so unstable, as to be carried away with every winde of Doctrine, & approve this new discipline; di-

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rectly repugnant to the Word of God, & to the forme of Discipline received, allowed and sworne to in the second Confession of faith; which confirmed not only the Doctrine, as did the first, but also the forme of Ecclesiastical Policie received?

How cometh it, that the Parliament hath annulled *M. R. Montgomerie's* excommunication? How is the judgement of excommunication, or annulling of it come in their hands? It cannot stand with the Law, to annul a decret, given in a Barons court for fourtie shillings, except all having interests be summoned to that effect. What necessitie is there for Subjects to oblige themselves to Obedience to common Lawes? was ever the like of that heard? Have not men their Goods, Lands and Bodies to be punished, in case they contraveen and transgress the lawes?

Mr Andrew Melvine declined the King & the Councel as not competent judges to him, in matters of Doctrine; but never impugned the Kings Authoritie over his Subjects in all Estates. There is a great difference between the King to be judge to all his Subjects, & to all formes of causes of his Subjects. *Mr Walter Bancanquel*, cited before the Councel upon the like occasion, in the time of the *Earle of Mortouns* Government, proponed this kinde of Declinature: Whereupon he was admitted, & there was no farther proceeding in that matter. Yet it was never imputed to him, that he declined the Kings Authoritie. The King is not judge in his own Person, nor by his Secret Councel, to all the causes of his Subjects, as experience teacheth daily. He hath his Sheriffes, Constables, justiciars of Blood, Lords of Session, Provosts & Bailiffes in Burghes, which all have their own forme of judgement, touching those causes that fall under their judgement, and will repledge, when other judges attempt to cognosce in matters committed to them. Albeit the King be a member in the Kirk, yet he beareth not a function in the Kirk nor can use or exerce any Ecclesiastical function. The King discharge his calling by keeping the forme and rules, which God hath set down unto him. If the Pastors, Elders or Doctors had shed blood, committed theft, incest or any other like crime, the King by his advocat conveneth him before his Highness Justice, where he is, without difference between him and another subject, convicted. If he be addebtred to the King for summes of money, is there a question between them of Lands, Writs, Evidences, Acts, Contracts or Obligations, there is recourse to the ordinar judge, appointed for the causes of such qualitie, which the King persueth by his advocat, or procurator. Hath the King a question with a Minister touching the abusing of any part of his calling, as negligence in his Office, Heresie, slanderous Doctrine, the King by his advocat or procurator conveneth him before the Eldership of his own Kirk or Presbyterie, which shall trie, cognosce and determine, as they finde him culpable or innocent. If his fault merite the civil punishment, it is punished by the King, or Civil Magistrat, at their discretion; If Ecclesiastical, the Kirk useth exhortations, admonitions, or excommunication. Now wherein is the Kings Authoritie over Ministers then impaired, more then over any other Subject that is tried by an Assise? The power of Discipline floweth from Christs own Commission to the Office-bearers of the Kirk, as a proper part of their vocation and calling, and not by commission from the King; and yet the Kings Authoritie and power is not impaired, as yee see.

The penner of the declaration quarrelleth that the Presbyteries, consisting of Ministers of equal ranke and authoritie, and some Gentlemen, have taken the whole Discipline in their hands, and altered the lawes at their pleasure. But the Gentlemen were Elders, that travel not in the word, but about correction of manners. Who saw not the utilitie the Kirk reaped by these Presbyteries? whereas now vice passeth without correction: Selling of Sacraments is as common in the Countrey, as the pest was in *Paris*. The Bishop approved this order of Presbyteries by his own hand-writ. When he condescendeth upon any Particular Lawes altered, or any Particular loss the King or Commonwealth have sustained by these Presbyteries, and that Godly forme of Discipline exercised in them, he shall meet with a reasonable answer.

As for the banqueting of the *French* Ambassadour, the Presbyterie meddled not with it. It was at first *simpliciter* refused by the Council of the Town of *Edinburgh*, after they had consulted with the Ministers. The King taking hardly with it, because it was proposed by some of the Citizens themselves, who moved him to send a servant to the Council for that effect. The matter was reasoned againe in the Council; and in end, notwithstanding of the contradiction of the Session of the Kirk, and best part of the Council, it was concluded. Whereupon the Session, to witness their disallowing of it, resolved to spend that day in abstinence, and prayer to God. Neither was there any such thing, as he falsely alledgeth, viz. that they could scarcely be kepted from excommunication.

Howbeit I doubt not but the Office-bearers of the Kirk may, by warrant of their own Commission given to them by *Jesus Christ*, convene themselves to consult, advise and determine upon matters, which concerne the glorie of God and advancement of Religion; though Princes would discharge the same: yet have we had our General Assemblies authorized and allowed by the Prince, and many times his Highness own Commissioners sent to the Assemblies. Assemblies, as well General, as Particular, for correction of manners, discussing of questions, which arise touching the exposition of the word, judging & condemning of heresies, are committed to them, and straitly commanded, as well as preaching of the Word, and ministration of the Sacraments. It is a foolish thing to say, men have Commission of Christ, which they may not exercise without the Authorizing of man. It is true, when the Prince interponeth his Authoritie (which is the chief part of his calling) concurring with the Ministrie, in promoting Christs Kingdom, experience teacheth, that the successe is the better: yea all the Princes owne affairs have the better successe, that his zeal appeareth in this. Yet it followeth not, but they may & ought to convene, to discharge all the parts of their calling, requisite in their Conventions, by their own power derived from Christ. The King may and should convocat Assemblies, when he seeth necessitie; Yet that derogate not from their own power, as examples teach us. Farther, the King & Council approving the Doctrine, contained in the Old and New Testament, which is the Commission of Ministers, approve by consequence their Commission; & so approve not only Assemblies, but also all the Policie of the Kirk. When *Master Craig* and *John Duncan* complained in their grievances, before the King and Council, that in the first act, approving the Doctrine presently professed, there was no mention made of the Policie; they received this answer,

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swer, that under the Doctrine is comprehended the Policie, as flowing from the Doctrine. And indeed the confirmation of Doctrine confirmeth all that dependeth on it.

The penner of the Declaration affirmeth, that it was the practice of these Assemblies, that Ministers with certain Gentlemen of the Countrey, male-contented with the State, under pretence of favouring the Ministrie, practised alwayes sundrie interprises in the Realme. Yet in all the Assemblies, which were holden these twenty four years, he is not able to specifie one. He quarrelleth, that the Lawes and Constitutions of the Kirk were alterable: as if the Lawes and Constitutions of men differed not from the unchangeable Lawes and Ordinances of God, and might not be altered according to the occasion of time, place and other circumstances. He quarrelleth, that matters debated in Assemblies were concluded by pluralitie of votes: but what other forme hath any Convention, either Civil, or Ecclesiastical? He affirmeth, that General Assemblies, by their Commissioners appointed to that end, agreed to the establishing of Bishops after this present forme. These Commissioners, whom he meaneth, had power from an extraordinarie Convention of Ministers at *Leith*, to reason with the Regent and Councel for the time, and to report againe their answer to the Assemblies: but the Assemblies following never approved these Conclusions, or the Estate of Bishops, as it is. The Assemblies of *Glasgow* and *Dundie* urged the Bishops to take some particular flock to attend upon, and to do nothing in name of the Kirk in matters belonging to the Kirk, without knowledge & commission from the Kirk, which they themselves, and namely this Metropolitan, thought very reasonable, & by his hand-writ subscribed and obliged himself so to do. These shew plainly, that it was not lawful to Bishops to have a temporal or civil vocation, which might hinder or impede their spiritual Charge, which also themselves confessed to be true. The alledged commandment sent by the Assemblies to the King and Councel, under the paine of Excommunication, to chooseth no more Bishops, is false. But the Assemblies, being alwayes readie to give an account of their proceedings, declared to King and Councel, what corruption they had found in that Estate; and craved humble, that it might be reduced to the rule of Christs Institution, and the exercise of an Apostolical Bishop, that such as shall bear Office in the Kirk, might have the place of voting in Ecclesiastical affairs; and that idle-bellies, who have no more ado in the Kirk, but to bear a shadow, and a bare name of Ecclesiastical Persons, to intromet with, and devour the patrimonie of the Kirk, and assent to Lawes, which will, except God remeed, evert the State of the Kirk, might be displaced from voting for the Kirk. What great treason is in all this course? Superintendents were placed, in the infancie of the Kirk, to visite and plant Kirks, and give account againe to the Assemblies: siclike Commissioners and Visitors, which now are found, after the Kirk is planted, nor to be so necessarie; but that it is sufficient *ex nterata* to send men from Presbyteries or Assemblies, for particular matters that fall forth in particular Kirks. He sayes, the Assemblies were accustomed to impose Lawes upon the King and States: but he is not able to specifie what Assembly, when, & what lawes.

The blasphemies, spewed out against that godly exercise of Fasting, is a cloak, saith he, of factious conspiracies. I will say no more, but the Lord rebuke him. He saith, that then they cried out against the abuses of the

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Court, and state of the time. I refer to the Consciences of good men, if there have not been of a long time, and yet presently, such abuses in Court and State, as cry for a publick Fast every day. He affirmeth, that a General fast may not be appointed without advice of the King, seeing he is a Christian Magistrate. As if all that the Kirk doth were done in despight, & contrare to the commandment of his Highness. It is his intention to reduce all the Politie of the Kirk to the Princes direction, that by him it may be concredited to that corrupt, ignorant and tyrannical Estate of Bishops. God hath appointed the Office-bearers of the Kirk, to be as eyes to the people, and as watchmen to warne them of dangers, where into they fall by sinne. Who doubteth but these, seeing the fire of Gods wrath kindled, should both give warning of the judgement, and lay out the remedies by humiliation, fasting and prayer? Is this be not part of their Office, they have no Office nor Vocation, till the King call them. Proclaimed not *Jeremie* a fast at *Jerusalem*, in the reign of *Zedekiah*, foretelling the destruction of *Jerusalem* by the *Caldeans*? *Jeremie* 4? To what end sent he *Baruch* to the Assembly of all Israel, convened in the temple, but to shew the coming of the *Caldeans* to destroy the temple and citie, to move the people to repentance by fasting and prayer? By *Jonah's* exhortations and admonitions, the Princes of *Nineveh* interponed their Authoritie (a thing that bringeth good successe to the Constitutions of the Kirk.) But the first ground was in *Jonah's* preaching. Further, there was not a Kirk in *Ninive*. Who proclaimed all the fasts, when the people were in captivitie? Did any other then the Prophets, and they that bare Ecclesiastical Offices? It is true, they were under Heathen Princes; but I understand not, why these exercises, which were lawful to the Godly under the Heathen, should not also be permitted under Christian Princes: for hitherto I never heard of one particular Law for Christians in their vocations under Heathen Princes, and of another under Christian Princes.

As for the roade of *Ruthwen*, the Jugler hath inverted the whole state of the cause, to the disgrace of the Kirk, as though the Acts of the Assembly had been made, after the Estates of the Realme had declared it to be a treasonable attempt. In the first Assembly after that attempt, the Authors presented a supplication, that it might be justified by that Assembly: after reasoning upon that matter, it was answered, that it was a Civil matter nothing belonging to them. The Authors replied, the King and Council had justified the fact, as also the whole Estates, & that the King had agreed, that there should be an Act made in that Assembly allowing it. *Mr James Lowson* and *Mr David Lindsey* were sent to the King, to understand his minde. They reported his answer, that He and his Council had allowed well of the Fact, and was content, that the Assembly would passe an Act, as was desired. Siclike the *Tutor of Pitcur* and *Colonel Stewart*, the Kings Commissioners, at that time affirmed, that they had special command to assent in His name. By publick Proclamations at the Crosses of Burghes, they were to be counted sowers of discord, enemies to the quiet of the Estate of the Realme, that would say, his Highness was detained in captivitie, or in the hands of any, but of his faithful Subjects. It is true, the King hath declared since, that he was in captivitie: But there was never a General Assemblie charged, as he alledgeth, to damne and destroy that Act. There was one appointed to be holden at *St Andrews*,

but the Brethren convened not in full number. But should the Assembly of the Kirk change their determination, at every alteration of the Court?

He saith, that the King and Estates advisedly concluded, that paritie among Ministers is no more to be tolerated. I speak reverently of two of the Estates: but for the third, I may boldly affirme, it is but a shadow of the Kirks, and the overthrow of it. What mature and advised deliberation was it, in lesse then twenty four hours, for men either wanting skill, or adversaries, to cast down, without reasoning with any of the Ministrie, the Policie, which hath been in building these twenty four years, agreed upon by wise, grave and learned men, and approved by forraigne Kirks? The preferment of a Bishop above many Ministers and many Kirks, is contrarie to Christs direction, and the Commission given by him to the Office-bearers in the Kirk. As for this new kinde of Commissioner, that shall be presented by the King to the Kirk, I would our Metropolitan would produce a warrant, either for the Kings prescription, or the Kirks admitting of such an Office-bearer, as hath no special vocation appointed by God. I confesse the King may appoint a Commissioner to visite Kirks, and to see that men do their dutie, & I wish, that he had such a Commissioner in all the Shires of Scotland. But I deny, that he may constitute in the Kirk a new Office-bearer, a new Commissioner, an Ecclesiastical Person, to an Ecclesiastical function; or that the Kirk may lay hands on, or admit such a Person to such a vocation for the King and the Kirk want a warrant for planting any new Office-bearers in the Kirk, more then Christ hath instituted. As for *Eusebius*, I assent to what he saith, in his sense and meaning, which is not, that a King or Emperour is a Bishop of Bishops, as an Ecclesiastical Person, but a Watch-man over them, attending carefully that they do their dutie. They say in *England*, there be Preachers, that have the *Queens* broad-seal to go preach where they please, without a certain limited place, or particular Congregation upon which they attend; but none in all *England* is able to bring a warrant for that out of the Word. The King may send Commissioners to Visite Kirks, and the Kirk may send Commissioners. But none of these Commissions are Offices in the Kirk; for an Office is a thing that is perpetual without any intermission, & is a particular and continual vocation appointed by Christ, whereupon the Office-bearer waiteth continually. As for the Commissioners in the Kirk, though it hath been much used, in the infancie for the Kirk; yet where the Kirks are well constituted, and the Civil Magistrat diligently assisteth, there will be no necessity of Commissioners; except it be upon some particular occasion, which may not stay upon the next General or Provinciall Assemblie. A Moderator or President in the Assembly is not an Office in the Kirk; for, the Assembly ceasing, his Office ceaseth. Siclike the Visiter, particular Visitation being ended, his Commission endeth. As the King is a Civil Person, so is his Commissioner, and may not exerce any Office in the Kirk, more then the King himself; but only see that all be orderly done in the Kirk. To say that the King, or any that is not consecrat particularly to that effect, may exerce any Spiritual Function, is contrarie to the Word. The Kings of *Israel* are not to be imitated by the Kings of this age, in every thing. *David* was both a King and a Prophet, and yet he did nothing, but, for eschewing of confusion, assigne by lore the *Levites* to their own Offices appointed by

God, and divided them to serve by course; because they could not all attend upon the temple and service at once. Appointed he any to Gods service, but the Levites? Prescribed he any forme of service, but that which they had in special Commission from God? Took he upon him the exercising of the least part of the Offices himself? *Salomon* might have taken *Abiathars* Life. Make a Minister culpable of treason, the King may strick off his head. His removal from the Priesthood followed upon his Civil death. *Jehashaphat* appointed not Princes to preach in *Judah*; but sent both Princes, Priests and Levites through *Judah*; the Priests and Levites to preach, and teach the people, & to do their Office; the Princes to interpose their Authoritie to see it done and obeyed.

As for the Benefite of Paritie; experience is a sufficient proof. As to the riches, he affirmeth some men have attained unto by means of this paritie; I may boldly affirme, that it is not well known in any of the Ministrie that I know in *Scotland*. He himself indeed hath conquered, *rather qualiter*, greater riches, by picking the bones of an old Bishoprick, then any of the Ministers. Of all the Bishops in *Scotland*, granting that Government were Lawful, who is able to discharge the burden? Are not three or four of these Bishopricks already reduced to such a state, that the poor Minister would not take the place for a simple stipend? The B. of *Dunkeld* is an old doting Papist; the B. of *Brechen*, *Dumblane*, *Glasgow*, *Orkney*, *Cathness* & the rest, as meet for that purpose, as I am for singing a solemn Masse. What can men look for in the B. of *St Andrews*, a Jugler, a Holliglasser, a Drunkard, a vile Epicurean; affirming that thing to be treason this Year, which with tears he subscribed the last Year?

There was in Answer made by another to the intentions of the King, which are subjoined to the declaration, the summe whereof followeth.

As to the *First Intention*, any man may see in the effects the contrarie: Because the Acts of Parliament, made in *May* last, are directly repugnant to the written Word. Sundrie Proclamations have been made since, some Ministers have been pulled down from the pulpit, some imprisoned, others banished, some put to silence, and some spoiled of their livings for preaching the Word sincerely, and that without citation, accusation or lawful conviction. Belligods and Mercenaries are planted in the places of lawful Pastors, and the poor people compelled with dolour of heart and grief of Conscience to hear them. Do these effects proceed from an intention to maintaine the Gospel, and the sincere preaching thereof?

As to the *second Intention*, who seeth not Apostats, Schismatics, Bellie Gods, Excommunicats, and men both suspended and cast out from their Ministrie for just causes, admitted to the chaire of truth? Or are not those, who have been notorious blots in the Kirk, and confessed they never had the Spirit of true application of the Scripture, preferred to high places? Who seeth not, that such as are preferred disturbe both Kirk and Commonwealth?

As to the *Third*, to wit, to convocat learned men, when any question of Faith and Doctrine ariseth, that heresies and schismes may be suppressed. Are not sundrie of the best learned, godly, wise and experienced either put to flight, or banished from flocks, or imprisoned, or with threatnings so hid, or, as it were, buried, that when a question shall arise either in Faith, Doctrine, or Discipline, none dare or may be present to conferre Scripture with Scripture, that the truth may be tried,

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Heresies and Schismes suppressed, the seed whereof is already sowne in sundrie places? Why have they, without admitting of reasoning, offered by the Ministrie at the late Parliament, condemned the Discipline, established in the Kirk of Scotland by many laudable Acts before, and in place thereof brought - in a plaine confusion, forged in the braine of Man?

6.

As to the *Fourth Intention*, To wit, that for keeping good order in every Parish, certaine be appointed by the Bishop or Visiter at the Visitation, to be Censurers of the Manners of the rest, who shall have his Majesties Authoritie, and Officers of Armes concurring for punishing of vice: It overthroweth that lawfull and ordinarie Policie of Elderships and Presbyteries, allowed and authorized by God in his Word; and preferreth mans wisdom and authoritie, which in all ages hath ever been declared accursed, in that point. The *Third, Sixth and Eight Intentions* are a commentarie to this *Fourth Intention*: For in all these, although these *Tulchan* and bastard Bishops be made a scugg, under which these vipers may vomite out more covertly their poison; yet their chief intention is to confound the Ecclesiastical and Civil Jurisdictions, and to establish a new Popdome in the Person of the King, that he, being judge in all causes and controversies, and having an absolute power to determine, may set up and cast down Religion at his pleasure, without contradiction. For *first*, the Ecclesiastical Jurisdiction, given immediately by God unto his Church, is transferred, by the usurped Commission and Authoritie of the Prince, to the Persons of the Bishops, who are his own creatures. *Next*, This Jurisdiction granted to the Bishops, is not granted to them, as to the Church, but as to the Kings Counsellors or Commissioners, the King being the Head from which this Power floweth. *Thirdly*, This Jurisdiction granted is so limited, that from them appellations may be made to the King and his Council; as chief judge, to give definitive sentence in the same at his pleasure, and to correct the Bishops as he thinketh good. This is no other thing but plaine tyrannie, and Popdome in his person, accursed of God; seeing by this Papal authoritie the chief parts of Ecclesiastical Discipline are usurped, as the Constituting of Ecclesiastical Persons, Deposition of Ministers, Absolving of sundrie Excommunicants from the sentence of Excommunication.

7.

As to the *Fifth Intention*, to wit, to maintain the exercise of Prophecie, for the increase and continuance of knowledge among the Ministrie, in which a wise and grave Man, selected by the Bishop or Commissioner at the Synodal Assemblie, shall preside; and render an account of the administration of these bounds, where the Exercise is holden. We *Answer first*, Ye have by Acts of Council, and publick Proclamations, discharged at the market Crosses all Conventions and Assemblies among the Ministrie; and specially by letters commanded the Magistrats in every place to hinder the same, under all highest paine. *Next*, Ye have banished, imprisoned, vexed, threatned the most learned of the Ministrie, and set up in their places dumb Dogs, that cannot, or Hirlings, that will not, bark; or blots, that are ashamed to reprove others, being culpable themselves, who would not be tollerat in any well reformed Kirk. *Thirdly*, Ye have everted & abolished the Colledge of Theologie, the only seminarie for Pastors in the whole Countrey: Ye have banished the chief Teachers and Masters, and scattered the whole Students.

As to the *Sixt Intention*, Which is not to derogat from the ordinarie judgement of matters of the Kirk by the ordinarie Bishops, their Councils and Synods; but if any of them do amiss, and abuse their calling, to take order for correcting, amending and punishing of the same. We *Answer first*, By the Acts of Parliament, the ordinarie judgement of Kirk-matters, and forme Prescribed by God and his Word, is overthrown. *Secondly*, An intollerable confusion of the Ecclesiastical and Civil Jurisdiction is allowed, in the Person of the Prince. *Thirdly*, A Spiritual Tyrannie, damned by the Word of God, is renewed; to wit, the State of Bishops, which, as it is here set down, is nothing else but the ordinance of man, to colour the Papal confusion withall; Whereby to one man is given Power and Jurisdiction over the Brethren of the Ministry, to place and displace them at his pleasure, and to exerce Ecclesiastical Discipline, as he thinketh good.

As to the *Seventh Intention*, which is not to hinder or stay any godly or solide order, grounded upon the Word of God, and Order of the Primitive Kirk; but that the Ministers of the Word meddle only with their own calling, and judge not temerariouly of the State. We *Answer*, The whole Order of Ecclesiastical Discipline, which was many Years inbuilding, was overthrown in one hour. Moreover when the Ministers directed some of their Brethren to crave audience and reasoning; some of them were laid hands upon, commanded to ward, and led to prison, wherein as yet they are kept. And at the same time the Bishops, culpable of judgement themselves, as *Cajaphas*, invaded the Office of judging.

As to the *Eight*, to wit, that the Presbyteries, consisting of many Ministers and Gentlemen, in Landward and Other places, be no farther tollerated in this Realme; but that the Exercise and Jurisdiction of mee Kirks be in the hands of the Bishop or Commissioner, and their Councils and Synods. We *Answer*, pretermittting the reestablishing of that cursed Estate of Bishops, there are here damned, *First*, the name of Presbytery: *Next*, the Office-bearers in the Presbyterie: *Thirdly*, their Authoritie and Jurisdiction. The Assemblies of Ministers and Gentlemen, called by you a popular Confusion, is called in the Scriptures by *Christ* himself, the *Church*, and by the Apostle *Paul*, *Presbyterie* or *Eldership*. This Presbytery, conveened in the Name and Authoritie of the *Lord Jesus*, hath a Spiritual power, proceeding immediatly from God, and neither from Angel or man, to rule his Kirk, to reason, deliberat and conclude, in matters Ecclesiasticall, and appertaining to Conscience, to binde and loose &c.

As to the *Ninth Intention*, that the Bishops or Commissioners conveen not a General Assemblie, without his Majesties knowledge & licence obtained thereto, which upon supplication his Highness will not deny, that an uniforme order may be conserved in the whole Realme, and the Bishops and their diligences be there tried and examined, and the complaints of every Particular Kirk heard and discussed. I *Answer*, that Bishops or Commissioners from the Prince, as they have no calling in Gods Kirk, so have they no power to convocat an Assembly. As for the Princes intention to call Assemblies upon supplication, it is a hard matter to rely thereupon; when their actions are so repugnant to the intention. For whereas the General Assemblies were allowed by the Estates, and conveened these twenty two years with notable successe, &

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the Princes Commissioners many times present, and admitted continually to reason, and give their suffrages: these are now abolished.

10.

As to the *Tenth*, to wit, to assist this Assembly by himself, or by some Nobleman of his Council his depute. It should be seen, that such Assemblies be conveyed as Gods wisdom prescribeth in his word, upon which, when good and godly assistance followeth, we will have occasion to confesse the intention to be good.

11.

As to the *Eleventh*, to wit, that when any Parish findeth necessity of a Fast, they intimat the occasion to the Bishop or Commissioner, that they may understand, that the cause is lawful; as likewise the Bishop of the Diocse finding lawful occasion, may with his Council prescribe a publick humiliation within the same. *I Answer*, because the people for the most part either consider not the causes; or considering, are not so bent to fasting; or being bent, are commonly infected with hypocrisie: therefore God hath appointed Pastors as Watchmen to proclaim it, and to exhort all men unto it. Which if they did, experience teacheth how few Fasts should be craved of Prince, or of Prince and People. In case the people will crave a Fast, they are sent here to the Bishop and the lawful Pastors are neglected, as if to the reforming of a Brothel-house, the consent and advice of a vile and shameless harlot were sought.

12.

As to the *Twelfth Intention*, to wit, that a General fast throughout the whole Realme shall not be proclaimed, but by his Majesties commandment, or by that Gener. Council, wherein his Majestie or his Depute is present. Work beareth witness, that the true order of fasting is the exercise the Court chiefly misliketh. Who saw not, when the Lord by his Ambassadors called to weeping & mourning, in time of publick fasting, that in the Court appeared nothing, but joy and gladness, eating and drinking?

13.

As to the *Thirteenth*, to wit, that the Bishops in every Diocse preside in Ecclesiastical Government, but with a Council, that tyrannie & confusion be avoided. It establisheth the tyrannie of Bishops, who, having no calling in the Word of God, can use no Office nor Power in the Kirk. *Next*, it confoundeth in the Person of the Prince the Ecclesiastical and civil Jurisdiction, making the State of Bishops a cloak to cover this confusion.

14.

As to the *Fourteenth*, to wit, that Commissioners be directed universally throughout the Realme, to establish a godly order; and his Majesties Commissioners take order presently for the translating of such Ministers, whose travels they esteeme may serve more conveniently and more profitably, in another place. *I Answer*, there can be no good order, where the order appointed by God, is not only neglected, but also abolished, and the foolish wisdom of man preferred unto it. As for the device of transplanting Ministers, it is very proper. If there be a good man left neer either to King or Court, to interrupt their pastime, or present course, let him be transported, either to the wilderness with *Elias*, to follow his banished Brethren; or to the prison with *Micajah* to feed on the bread of affliction, and water of tears, with his fellow Brethren in *Blackness*, the Castle of *St Andrews* or the *Spey-tower*, or let him be sent to landwart, or to the highlands to teach to the air.

In the beginning of *Januar* there was a new intimation, that Ministers be urged to subscribe Obedience to the late Acts of Parliament, and to their Ordinar Bishop or Commissioner appointed, or to be appointed to have the exercise of Spiritual jurisdiction; because sundrie either had not

Subscription still
urged.

com-

compeared, or compearing had departed without yeelding due Obedience. Commission was given to the Bishops, or where Bishopricks were vacant, to some Commissioners, assisted with Noblemen and others nominated in the commission, to call and convene the beneficed men, Ministers, Readers & Masters of Colledges & of Schooles within their bounds and Diocies *respective*, and to present unto them the forme of their promise and obligation, ordained by the act of Parliament to be subscribed by them; that the persons shewing themselves obedient, may be answered of their livings and stipends; and disobedients called, pursued and punished for their contempt, according to the lawes. *Patrick Bishop of St Andrews, Robert Archbishop of Glasgow, Mr Peter Watson Parson of Flisk, Neil Bishop of Argile, John Bishop of the Isles, John Areskeen of Dunn, David Bishop of Aberdeen, Mr George Hay, Mr Robert Graham Archdeacon of Ross, Mr James Hannan Chancellour of Orkney, & John Gray of Fordel.* To every one of these were adjoined Noblemen and others to be assistants, to require or receive the subscriptions. And indeed *John Areskeen Laird of Dunn*, sometime Superintendent of *Angus*, proved a pest in the North.

The Laird of *Drumquessle* and the Laird of *Maines* were put to an asse upon the eight of *Februar*. It was alledged, that they conspired to come with their Complices disguised sometime, when the King should have been at hunting, and convey him to some place, where the banished Lords should receive him; and were executed upon the ninth of *Februar*, at the crosse of *Edinburgh*. They died courageously, denying any conspiracie, and were much lamented by the people.

*Drum-
quessle and
Maines ex-
ecuted.*

The banished Lords, after humiliation and fasting, and partaking of the holy Communion, went from *Newcastle* towards the South, about the midst of *Februar*, partly by reason of *Queen Elizabeth's* direction, which was procured by the *Master of Gray* late Ambassadour; partly because they perceived, that their lying near to the border indangered their friends.

When they were beginning to despair almost of any farther favour, the Lord prepareth a way for their libertie. The pest rageth in the principal Townes, as *Edinburgh, St Andrews, & St Johnstoun*. Therewas with all a great tempest of weather & raine. The people began to cry out, that the Lords hand would not stay, till the banished Lords and Ministers were brought home againe. Whereupon their friends advertised them to draw neer to the borders: but there was difficultie in obtaining the licence. The Lord *Ruffel*, eldest Sonne to the *Earle of Bedford*, was slaine upon monday the twenty sixt of *July*, at a meeting on the borders, between *Sir John Forrester* on the one side, and the *Laird of Ferniberst* on the other side, both wardens. Whereupon the *Queen*, being incensed at our chief Courtiers, became more favourable to the banished Lords. *Arran* was committed to ward in the Castle of *St Andrews*. *Ferniberst* was confined in *Aberdeen*. But by the *Master of Grayes* procurement, *Arran* was suffered to keep his own house in *Kinneil*. The *Queen* gave licence to the Noblemen to returne to their own Countrey, when she saw no appearance of redresse of so great enormitie, as was committed.

*The Lord
Ruffel
slaine.*

The Lord *Maxwel* had committed sundrie riots in *Annandale*, in contempt of *Arran*, who had decourted him; because he would not give him some Lands pertaining to the *Earldome of Mortoun*. Sundrie

*The ba-
nished
Lords re-
turne, &
take the
Castle of
Stirling.*

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roades were intended to pursue him. He in the mean time banded with the banished Lords, *Angus*, *Marr*, the *Master of Glames* and *Arbroth*. *John Hammiltoun* Commendator of *Arbroth*, and his brother *Claud Hammiltoun* Commendator of *Pasley*, were pursued in the year 1579. for the slaughter of *Matthew Earle of Lennox*, and the *Earle of Murray*, Regents, and fled to *England*. But *Claud Hammiltoun* was brought home by the moyen of his Father in law, the Lord *Setoun*. *Maxwel*, *Arbroth* and *Angus*, *Marr* and the *Master of Glames*, as ye see, were pursued for sundrie causes. But now they concur together, to recover their libertie by forces. *Angus*, *Marr* and the *Master of Glames* came to *Jedburgh* upon the twenty first of *October*, where they published by proclamation the causes of their repairing to the Town of *Stirline*, to wit, to procure the removal of some lewd Persons from his Majestie; that his Highness may governe his Subjects, by advice of grave, modest and indifferent Counsellours; that the afflicted Kirk may be comforted; Acts lately made in prejudice of the same, may be solemnly cancelled; the Commonwealth disburdened of heavie oppression; and the happie amitie with *England* may be conserved and re-established. These Heeds they qualifie by sundrie particulars. They published these causes in other Principal Townes by the way. *Arran* fleeth from *Kinneil* to *Stirline*. The Lords with their assisters come to *Falkirk*, and from thence went to *St Ninians* Chappel, where they pitch their tents, upon the first of *November*, their number amounting to nine or ten thousand men. The next morning they marched toward the Town. *Arran* with his associats, the *Earles of Montrose* and *Crawfurd*, were once minded to have dispatched the Master of *Gray*, and *Sir Lewis Bellenden* justice Clerk, whom they suspected; but they drew themselves to their armes, and stood on their own defence. The Town being taken, *Arran* fled by the bridge, locking the port behind him, and casting the keyes in the water of *Forth*. The provision of the Castle was scant. The King sent forth Secretar *Maitlan* and *Sir Lewis Bellenden* to parley with the Lords. The conditions being agreed upon, they entred in the Castle of *Stirline* upon the fourth of *November*, and presented themselves before the King, cleared themselves of all imputations, and protested loyal respect to his Majestie. The King acknowledged, there was not need of Words, weapons had spoken well enough, & gotten them audience to cleare their own cause. He confessed he had been too long abused; that it was the mightie hand of God that had brought them in with so little bloodshed, and welcomed them with cheerfulness, as it seemed. Securitie was taken for the *Earles of Montrose & Crawfurd*, because of the particular Enmitie between *Angus* and *Montrose* for the death of *Mortoun*; between *Crawfurd* and the *Master of Glames*, for the slaughter of the Lord *Glames*. They pack up Particulars at the Kings desire, so free would they have this work of bloodshed. The successe of this interprise justified their intention in the former interprise at *Stirline*, that they had no other end before them, if the successe then had been like this.

A meeting
of Mini-
sters at
Dumfermling.

A Parliament was appointed to be holden in *December*. Warning was made by the Moderator of the last Assembly to the Brethren of the Ministrie, to convene in *Dumfermling* before the time appointed to the Parliament. There was no other Town at that time so convenient, by

reason

reason of the Pest in principal Burghes: which began to relent after the returne of the banished Lords and Ministers. The Brethren repared from all parts to *Dumfermline*, upon the twenty third of *November*. But the ports of the Town were shut, by direction of the Laird of *Pitfirren* Provost for the time, alledging he had the Kings expresse command so to do. The Brethren, so many as might conveniently, met in the fields; & appointed to meet againe in *Linlithgow* before the time of the Parliament. Within few Years after, *Pitfirren* was found fallen out at a window of his own house of *Pitfirren* three or four house hight. He had thrown himself over upon apprehended jealousie. *Colonel Stewart* married his Lady after.

The Ministers convened in *Linlithgow*, where the sincerer sort sought an abrogation of the late Acts of Parliament, & an Act for the establishing of the Discipline. But the Lords sent them to the King. The King threatened, taunted, reviled, and called them Lownes, Snakes, Seditious Knaves. The Lords were admonished by the Brethren of their duty, and of their promises. They answered, they must first be satisfied in their own places, and then they should work wonders. It was told them, that such relenting would both weaken the cause, and discredit them both before God and Man. The Earle of *Angus* was willing, but could finde no concurrence. The *Master of Glamis*, upon whose wit the rest depended, said, it was not expedient to throw out of the King, so much addicted to the Government of Bishops, any reformation for the present; but to procure it by time with his own consent: And that the Ministers should see a redresse in another Parliament. So they were careful every one for their own peculiar estate, more then for the Kirk of God. *Mr Craig* had a bitter invective before the King and the Estates of Parliament, against the sincerer sort of the Ministrie, stirred up, as he alledged, by a Sermon made by *James Gibsone* in the Pulpit of *Edin-burgh*, against the subscribing Ministers, of which rank he was the chief. He pleased the King in all points, and exhorted the Lords and Ministers not to stand upon their own innocencie, but to fold their feet, and crave pardon of the King, and justifie the Subscribers. He was at this time the Kings domestick Minister. *Mr John Howison* must go to ward for his exhortation: *Mr William Watson* behoved to follow after, for telling the truth raggedly; which he did, to repair his credite. Therefore the King appointed *Mr Craig*, *Mr David Lindsay* and *Mr Peter Kinlochy*, all three Subscribers, to occupy the Pulpit. The subscribing Ministers at the first, when the Lords came in, seemed ready to offer Satisfaction: But perceiving the Lords to be boasted, the King to stand stoutly to his old mark, and *Mr Craig* to preach openly against the peregrine Ministers (so he called the banished) they defended their Fact. Notwithstanding of appearance of Schisme, the sincerer sort suffered patiently, and still insisted with the King. At length the King desired them to exhibite in writ, what exceptions they had against the late Acts; which they did, as shortness of time would suffer.

A meeting
of Mini-
sters in
Linlith-
gow.

1585.

Animadversions of Offences conceived upon the Acts of Parliament, made in the Year 1584, in the Moneth of May, presented by the Commissioners of the Kirk, to the Kings Majestie at Parliament, holden in Linlithgow, in December 1585.

In the *First Act* it is thought, that there is a great impairing of the liberty of the true Kirk, in so far, as nothing is thereby granted unto the same, but libertie of Preaching, and ministracion of the Sacraments, seing the power of Binding & Loosing, which is called the Power of the Keyes of the Kingdome of Heaven, consisteth not only in these points, but also in Judgment, Jurisdiction, and removal of Offences out of the Kirk of God; and Excommunication to be pronounced against the disobedient, by those that are Office-bearers within the same: and so the whole Discipline is left out. And this Act restricteth the liberty, granted by other Acts of Parliament before, concerning Discipline and Correction of manners, which were established by Law, in the first Year of your Majesties Reign. Our warrants out of the Word of God for the part of the liberty of the Kirk, we are able to bring forth, when your Majestie pleaseth.

As concerning the *Second Act*, the narration thereof appeareth to be slanderous against some of the Ministrie, which we would wish to be reformed; or otherwise conceived, except the truth were verified. And as to the substance of the Act it self, it attributeth to your Majestie Sovereign power of judgment, not only upon the Persons of all your Subjects, but also in all matters, wherein they or any of them shall be apprehended, summoned or charged &c. Which appeareth to be very strange, the like thereof we hear not to have been practised in any Christian Commonwealth, and cannot stand with the Word of God. For though the Persons of Men are subject to your Majestie, and the Civil Judges, when they offend against your Lawes; yet in matters meerly Ecclesiastical; and concerning Conscience, no Christian Prince can justly claime, or ever claimed to himself such a power to judge; seing the Prince in this behalf is but a member of the Kirk, and *Christ* only the Head, who only hath power to give Lawes in matters of Conscience. And so the godly *Antioch*, *Imperator bonus intra Ecclesiam, non supra Ecclesiam est*. To confound the Jurisdictions, Civil and Ecclesiastical, in that thing wherein all men of good judgment have justly found fault with the *Pope of Rome*, who claimeth to himself the Power of both the Swords. It is as great a fault to a Civil Magistrate, to claime or usurpe this power, and specially to judge upon Doctrine, Errours and Heresies, he not being placed in Ecclesiastical function to interpret the Scriptures. Our warrants likewise of this, we are readie to produce out of the Word.

Touching the *Third Act*, it appeareth to be obscure; yet the effect of it to tend to this, that none desire alteration of the former custome of conveneing the Estates in Parliament, as some have sought the same to be innovated. Sir, we understand, that the ancient libertie of the three Estates is lovable. But likewise it is of Truth, that among other corruptions, which were in time of Poperie, the Ecclesiastical Estate was corrupted, and appointed to be of such Persons, as had no lawful function in the Kirk of God; and specially ought not to have place, Religion be-

ing

ing reformed, within this Realme. We meane of Bishops, Abbots and such like popish Prelats; in consideration, that by Acts of Parliament made before, all Authoritie and jurisdiction of the *Pope of Rome*, & of others flowing from him, not agreeable with the Word of God, is abolished within this Realme. Therefore in Conscience we think, & have oft sought it of your Majestie, that none vote in Parliament, in name of the Kirk, but those that have their calling of God, & are constitute in Ecclesiastical office & function according to his word. And therefore discreet Commissioners of the most learned, both in the Law of God, & of the Countrey, being of the function of the Ministrie, or Elders of the Kirk, are to represent that Estate, at whose mouth the Law ought to be required, namely in Ecclesiastical matters. And it is not the great rent, or promotion to great benefices, or yet dignitie of kindred or blood, that carrieth with it all knowledge or judgement; but other men, who are of an inferior rank in the judgement of the world, may excel therein. And there is no inconvenience, that Commissioners may be sent from the Kirk, representing the third Estate, more then from the Burrowes, to have vote in Parliament. Therefore we desire your Majestie to, explaine the said act, and not to deny us that libertie, that Gods Word, and the lawes of the Countrey made of before, and equitie and reason in this behalf, crave.

As concerning the *Fourth Act*; the title is a discharge of all Jurisdictions and Judgements not approved in Parliament, and of all Assemblies and Conventions, without your Majesties special licence and commandment. In the narrative it appeareth, there is a slanderous report raised upon the Kirk, and Office-bearers within the same, for using certain jurisdictions, not approved by the Lawes of the Realme, and an act alledged made in the dayes of your Highness Grand Sir, that all the lieges ought to be ruled by the common Lawes of the Realme, and by no other Lawes. And therefore the said act dischargeth all Judgements and Jurisdictions Spiritual or temporal, accustomed to be used these twenty five years by past, not approved by your Highness and Estates in Parliament, with threatening of execution upon all Persons, that shall use or obtey the same, as Usurpers, and Contemnners of your Highness Authoritie, and for Convocation of your Highness lieges. Sir, we most humble crave your Highness minde to be declared farther herein: for it appeareth to us very strange, & a thing that cannot stand with the liberty granted by Christ to his Kirk, and to those that bear Function and Office within the same. And *First*, as to the act of *King James the Fourth*, your Highness grandfir, we say, that it appeareth plainly to meane of the civil Jurisdiction, which He and his Predecessors might, and his Successors, may claime within this Realme, by their Royal power; and not of the Ecclesiastical jurisdiction. For that Law was made against those of the *Isles*, that used the *King of Denmarkes* Lawes, in civil matters. And in your grandfirs dayes, there was another Ecclesiastical jurisdiction within this Realme, after the manner of Poperie, used by those that were called Kirkmen, till the dayes of reformation of Religion, then hath been used continually since that time, with which no fault was found. And it is of a Truth, that there is a Spiritual jurisdiction granted to the Kirk of God by his word, (which derogateth nothing from the jurisdiction of earthly Princes) whereof the Office-bearers of the Kirk within this Realme, have been in peaceable possession and use, these twenty four years by past; whereof followed no trouble,

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but great quietness in Kirk & Commonwealth; and there hath been more trouble in the Ecclesiastical Estate, within these two years last by past, then ever was since Religion was reformed within this Countrey. Alwayes we offer to prove by good warrants out of the Word of God, that it is lawful to the Ecclesiastical Estate, to convocate Assemblies, and to hold the same, and to appoint an order, place and time for conveneing, to treat upon such matters as concerne the Kirk-affairs, which in no wayes impaireth your Majesties Civil & Royall jurisdiction; but rather fortifieth and decoreth the same. Not denying in the mean time, but that it is lawful to your Majestie and Estates; when any extraordinarie necessitie shall require, to call the members & Office-bearers within the Kirk in lesser or greater number; to resolve upon such things as concern their Estate, & necessitie of the time. Farther, concerning the General Assembly of the Kirk, there is an act, in the first year of your Highnesss reigne; ratifying the Authoritie of the same, and desiring appellations to be devolved unto the same, as to the last judgement, in matters concerning the Kirk. The same argument we use for other Assemblies, as well Particular and of Presbyteries, as Provinciall; by the partie of reason, and good grounds out of the Word of God, which we offer to show, beseeching your Majestie to reforme, and qualifie the act according to the same for if it shall stand in forme as it is, not only conventions for Discipline, but also for hearing of the Word, may thereby be discharged.

As to the *Fifth Act*, we allow with our hearts, that all those, who are placed in the function of the Ministrie, if they commit any offence worthy of deprivation, be deprived both of their Functions and Revenues, which they possesse for the same. But to make exception of Persons, that those, who have vote in Parliament, shall not be controlled in that behalf, nor the like judgement be executed upon them; we cannot understand, how it can agree with Reason, and good Lawes; seeing we are able to prove the most part of those in that Estate to be more scandalous, & more worthie to be deprived both of their function & benefice, then any other. As to the voting in Parliament, who they ought to be that should have place there, we have declared our judgement before. Therefore this act appeareth to make exception of Persons, which cannot well stand with the Law of God or man. As to the causes of Deprivation, they require a Conference, which were too long now to set down in writ: therefore may it please your Highness to advise better hereupon, and to qualifie the same.

As for the *Sixth Act*, the Dictor appeareth to be very careful, that Ministers shall await upon their Function & Office, and shall use no other Function, Judgement, nor Office, which may abstract them from the same. If it be simply meant, the act is very good. But with your Majesties licence, they are far in the wrong to your Highness, that would burden you with a Function, and Jurisdiction, both in Civil and Ecclesiastical Matters, being but one Person, and much lesse able to discharge the same, then a simple Minister of a Kirk can discharge his cure. Farther, seeing the same Act, and other Acts of this Parliament, attribute Jurisdiction to Bishops over many Kirks, and to be judges in Civil causes also, they are far more unmeet to discharge themselves thereof, then a simple Minister, who hath only one Flock or Kirk, and peradventure a Colleague with him in the same. And farther, in so far as the Ecclesiastical Estate is one of the three Estates in Parliament, and, as we are able to

prove.

prove, the Office-bearers and Ministers of the Kirk ought to represent the said Estate, it cannot well stand, that all judicatories should be taken from them, seeing it is the supreme judicatorie in his Realme, wherein both causes Civil and Criminal are decided. Therefore to take away this judgment from those that are of the Ecclesiastical Function, is very hard, and cannot stand well with the libertie granted to the Kirk of ancient time. As to the other Civil judgment, which may abstract Ministers from their cure, we think they ought not to meddle therewith, but so far as they are called lawfully by the Prince, and are able to discharge the same. [The Reader is here to be advertised by the way, that *Mr Robert Pont*, sometime a Senator in the Colledge of Justice himself, would needs have the latter part of this animadversion conceived after this forme, contrare the judgment of *Mr Andrew* and *Mr James Melvine's*, and others. It behoved them to bear with him, in respect of the apparent division & schisme, which was like to arise otherways. But this was clearly condemned afterward.]

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Nota.

Passing by the rest of the Acts, as not pertaining to the Kirk, till we come to the *Thirteenth*, in which the first fruites of all benefices are decreed to be lifted to your Highness use, and your guard, no provision being made for the Ministers that serve where that benefice lyeth. The first years fruits were never craved within Prelacies, before this act. And also a great yearly taxation is laid upon the benefices, as appeareth, both great and small, beside the thirds. Remedie therefore would be provided by your Majestie, how the Kirks may be served sufficiently, and Ministers not disappointed of their stipends: for the revenues of the Kirk are already so diminished, that although new impositions be not laid upon them, it is difficile to keep any order in the Kirk; much more, if they be farther diminished. And as to the *Monk's* portions, it would be a Godly Ordinance to your Majestie, to appoint the same, of a good part thereof, for Bursars in Colledges, as sometimes it was proponed, and in some sort almost granted.

The *Twentieth* giveth Commission to *Patrick* called Archbishop of *St Andrews*, and other Bishops, or such as your Majestie shall constitute judges in Ecclesiastical causes, not specifying of what State they should be, Ecclesiastical or Civil: And siclike, mention is made of some Commissioners in the *sixt act*, to which Commissioners power is granted to put order to all matters and causes Ecclesiastical, to visite the Kirks, & State of the Ministrie, to reforme Colledges, receive presentations, & that they only may give Collation of benefices; and that Commission should be extended hereupon, under your Highness great Seal conforme to this. Which divers commissions are directed with power to Bishops allannerly, in their own Persons, without any assessors or assisters, and namely to the Archbishop of *St Andrews* within his whole Diocie, or to any of his Deputes, or Commissioners under him, with power also to depose Ministers, which is not contained in the act, and to place and displace Ministers, attour the tenor of the Act. *Sir*, to declare our Consciences plainly concerning this act, we suppose your Majestie be of good minde, that it was said the same shall continue no longer then this present Parliament, but shall utterly be discharged: for so it is contained in the act it self in the end thereof, in expresse termes; whereby we think your Majestie and Estates were of minde, it should not continue, when it was first made. And indeed, if it should continue, many and great inconveniences should of necessitie

follow

1585. follow to the Kirk of Christ, and Estate thereof. For *First*, to devolve that power into one mans hand, although he were never so wise, learned & godly, to do all thing in the Kirk at his own pleasure, and by himself al-lanely, or by his deputes, taketh away that libertie, and good order, which the Spirit of God by the mouth of the Apostle *Paul* willeth to be in the Kirk, and whereof we have many other warrants in Gods Word. For it appertaineth to the Ecclesiastical Senat, and not to any one man, to do these things. Neither is it a civil thing, and to be committed to the Magistrat, or to whom they please, to govern the house of God, which is his Kirk; and can have no example of any uncurrup age or person. And therefore we suppose your Majestie will claime no farther to the same, nor yet suffer such men to abuse the Kirk in that sort. And as to other judges, to be constituted in Ecclesiastical causes by your Majestie, not specifying of what Estate they should be, Civil or Ecclesiastical; that is indeed to use the power of both the Swords, which all men of good judgment have condemned in the Pope. Sir, we cease to discourse farther upon this act, or to declare the qualitie of those, to whom such Com-missions are given; because we suppose your Majestie will willingly abrogat that act alluterly.

Sir, We finde among the Acts not printed, the Act annulling the Excommunication of *Mr Robert Montgomrie*, wherein your Majestie taketh Authoritie, with your Estates in Parliament, to meddle with that, which hath no example of any Prince; that meddled with it, since the first planting of the Christian Religion. To pronounce the Sentence of Excommunication against impenitent Sinners, or absolve them from the same, or to decerne the same effectual or not-effectual, can no more pertain to the Prince, or any Civil Magistrat, then to preach the Word, and minister the Sacraments: For they are both in like manner committed by Christ our Master to the true Office-bearers within his Kirk, when as he said, *Dic Ecclesia &c.* Therefore among all other things, we cannot marvel enough, who should be so bold as to put in your Majesties Head, to usurp that Power, or meddle therewith, seing for the like fact, *Daxiah* King of *Judah* was so terribly plagued, and his whole Land shaken. God forgive them, that would so jeopard your Highness, without respect of conscience, or the fear of God. We beseech your Majestie to revoke this, and to meddle no farther therewith, as a thing that pertaineth not to your Office, or to any Civil Magistrat.

There is another Act among the not-printed, concerning the Payment of Ministers Stipends, of which we can speak nothing, because we want the Copie of it, Beseeching your Majestie to give Commandment to the Clerk of Register, that we may have it, and give our Reasons against it, if need require.

The Supplication.

Sir, we have in the fear of God, at your Majesties command, as shortness of time would suffer, given our Animadversions upon the late Acts of Parliament in *May 1584*. Beseeching your Majestie to bear with our language, if it be not so courtly, as some would wish; for we tend only to the end of these things, whereof we conferred with your Grace, to open them up plainly and simply, and utter the Truth out of Conscience: For it is not our dutie to dissemble with your Majestie. When we

have

have perused and read these Acts over and over againe, as diligently as we can, we cannot see how the same can stand, as they are formed, or how any Interpretation can be made thereupon; unless it were to containe contradiction, which is uncomely in making or setting out of lawes: for the Law it self saith, *They that may speak plainly in making of lawes, contracts, or do any such thing, and speak obscurely and ambiguously, such contracts and lawes are to be expounded against the maker or former; quia potuerunt apertius dicere.* Therefore, saving the honour of your Majestie, and your Estate, we think it more comely to place new reformed and plain lawes in their room, nor to interpret these, which cannot be well interpreted, in any good sence. We trust, your Majestie will take this our simple meaning in good part, and do that which is most meet according to the same. The Lord grant your Majestie the Spirit of true and upright judgement. *Amen.*

There is one thing farther, which in most humble manner we crave of your Majestie, That it be provided by act of Parliament, that like as your Highness is to restore these of the Nobilitie to their honours and livings, so your Majestie would restore the Kirk and Ministrie to their possession, as well of Discipline, as of their Livings, Roomes and Offices, from which they were displaced by occasion of the said Acts, or any thing following thereupon; and of their Stipends, as well bygone as to come, seing a great many thereof remaine as yet untaken-up.

The King receiveth these Animadversions, and taketh paines in his cabinet for the space of twenty four hours, to penne the Declaration, which I have set down here word by word, notwithstanding of the harshness of some phraes. The bastard declaration, whereof we have made mention before, and which was printed, was penned by *Mr Patrick Adamson*; but the King disclaimed it.

The Kings
declarati-
on con-
cerning
the Acts.

*The Kings Declaration and Interpretation of his Acts of
Parliament, set forth in May 1584.*

Ejus est explicare, cujus est condere.

The first makes only mention of the preaching of the Word, and Sacraments, not thereby to abrogat any good farther Policie or Jurisdiction in the Kirk; but allannerly to remit a part thereof to the Acts ensuing: and the most, which as yet are unagreed upon, or concluded, I intend, good willing, to cause to be perfected by a godly General Assembly of Bishops, Ministers and others Godly and learned, *Imperatore presidente*; & then shall the Act be made more ample, according to the conclusion agreed upon by them, both in Policie and Jurisdiction.

The second Act hath two parts, a Narrative, and a Charge. The Narrative hath two parts; one affirming, that some of your Vocation had appealed from Me, as not being their judge ordinate. I doubt not, your selves will not deny this, since some of your selves did it, and I I doubt, be yet scarce far from it. The other part maketh mention of the treasonable, seditious and contumelious speeches, uttered by some of your calling in Pulpit, against me and my Progenitors. This part likewise cannot well be denied, since it is more then evident, that it hath been the most part of some Ministers exercise, these four or five Years past. Alwayes, how soon the whole Ministers of Scotland shall amend their

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manners in this point, the forsaide Act shall be rescinded. As to the second part of the Act, it containeth a charge, that none, being summoned or accused by me, shall decline my judgment, in respect I am declared & confirmed judge by the Parliament over all Persons within this Realme, in all causes that they shall be apprehended or summoned for: And in the end it saith, that none shall decline my judgment in the premisses. No say I and declare, (which declaration shall be as authentick as the Act itself) that I for my part shall never, neither my Posteritie ought ever, cite, summon or apprehend any Pastor or Preacher, for matters of doctrine in Religion, Salvation, Heresies, or true Interpretation of the Scripture; but according to my first Act, which confirms the libertie of preaching the Word, and ministration of the Sacraments, I avow the same to be a matter meer Ecclesiastical, and altogether impertinent to my calling. Therefore never shall I, nor ever ought they, I mean my Posteritie, acclaime any Power or Jurisdiction in the foresaids.

The third Act is so reasonable and necessarie, that it needeth no declaration nor explication, except only this, that my Bishops, which are one of the three Estates, shall have power, as far as Gods Word, and example of the primitive Kirk, will permit, and not according to that Man of sinne his abominable abuses and corruptions. But I cannot enough wonder, where ye finde that rule or example, either in Gods Word, or any other reformed Kirk, that some Ministers by commission from the rest ought to be one of the Estates in Parliament. Well, God purge your spirits from ambition, and other indecent affections for your calling, and give you grace to preach, in all humilitie and simplicitie, his Word and Veritie.

In the fourth Act, I discharge all Jurisdicions not approved in Parliament, and Conventions without my special licence. As to this discharge of jurisdictions, my meaning and declaration is, that they shall cease, while a settled Policie and Jurisdiction be established, according to the commission and line of Gods Word. As to the discharge of Assemblies, they are not simplie discharged, but only ordained, that they should be holden with my special licence. And surely I trust, that in all reformed Kirks, where Princes and Magistrats were found in Religion; ye shall finde, that the Assemblies of the Kirk were not only by their special licence, but even by their calling, and they themselves Presidents and Moderators of them. Ye do evil in making yourselves to be ignorant of your own Act, as to think the narrative of this Act slanderous and untrue.

As to the fifth Act, it excoims the Bishops only for this cause; for that it speakes only of the deprivation of Bishops by Synodal Assemblies, whereas they should be deprived by the General. As to the causes of deprivation, they shall be agreed upon by the Kirk, and thereafter my Act shall be accordingly qualified.

The hindmost part of my Declaration upon the third Act, expounds and with sufficient reason proves, the sixt Act to be well; and besides, the sixt Act foresaid, I am assured, it is nothing repugnant, but justly agreeing with the Word of God.

As to the thirteenth, my intention was ever, that all Benefices of cure under Prelacies should be excepted, and so shall they be reserved in the Act.

As to the twentieth Act, it is indeed but temporarie, and since it is made

to endure only while the Parliament; and farther during my will, it may be as well called-back without a Parliament, as with it; as indeed I minde, after further conference with some of the Ministrie, to take a solide order thereanent. But in one thing ye misconstrue it, where ye alledge it giveth Authoritie to one Person to reforme the Kirk: which is not; but it appointeth every Bishop to reforme his own Diocie. And the Bishop of *St Andrews's* own Declaration appointeth to every Bishop a Councel of his own Diocie. So as in effect this Act ordaineth every Bishop with his Diocie to reforme his own Diocie. And as to the Commissioners not Ecclesiastical joined with them, they are joined to give their advices, & not to interpone their Authoritie; as ye yourselves have had sundrie men meer Civil assisting your Assemblies; And as it will be most necessary that some men learned and godly be yet chosen out, for settling of the Policie.

As to the act concerning the Excommunication of the Bishop of *Glasgow*, I must first dilate the occasion shortly, and thereupon induce the Act and meaning. After that he had been oft cited, summoned and admonished under the paine of Excommunication to demit his benefice, and notwithstanding still possessing the same, depending upon me who gave it to him, at last some of the Ministers, specially of the Presbyterie about *Edinburgh*, were called (as oft before they had been for the same cause) before the Councel, and desired to leave off that forme of proceeding, while it were tried by farther Conference, whether Bishops were tollerable in the Kirk of God, or not. This desire was granted and promised by the whole Ministers present. But immediatly after, he was Excommunicated at the Kirk of *Libbertoun*, a Landwart Kirk, against promise. They being called for againe, and accused of their promise, they all denied the knowledge thereof; and not only they, but the whole Ministrie of *Scotland*, except that man *Davidson*, who pronounced the Sentence. The whole Kirk then disavowing, and that only man avowing the deed, Christ saying, *Dic Ecclesie*, and one only man stealing that dint in a quiet hole, the Act of Parliament reduceth the Sentence for informality and nullitie of Proceffe; not as judges, whether the Excommunication was grounded upon good and just causes or not; but as witnesses, that it was informally proceeded, against the warrant of Gods Word, example of all reformed Kirks, and your own particular custome in this Countrey. And for Approbation of the Premises, the foresaid Bishop shall be produced before the first General Assemblie, that I shall appoint, & there, upon the crimes that were laid to his charge, shall either be peremptorily condemned, or absolved.

Then shortly, to end this my Declaration, I minde not to cut away any liberty granted by God to his Kirk. I claime not to my self to be judge of Doctrine in Religion, Salvation, Heresies, or true Interpretation of Scripture. I allow not a Bishop according to the Traditions of men, or inventions of the Pope, but only according to Gods Word; not to tyrannize over his Brethren; or to do any thing of himself, but with advice of his whole Diocie, or at least with the wisest number of them, to serve him for a Councel, and to do nothing him alone, except the Teaching of the Word, Ministracion of the Sacraments, and Voting in Parliament and Councel. Finally, I say, his Office is solum *in regnis ad vitam*, having therefore some Prelation & Dignitie above his Brethren, as was in the primitive Kirk: my intention is not to discharge any Jurisdiction in

the Kirk, that is conforme to Gods Word, nor to discharge any Assembly, but only these that shall be holden without my Licence & Councils. My intention is not to meddle with Excommunication, neither claime I to my self, or my heirs, power in any thing that is meer Ecclesiastical, and not ~~ecclesiastical~~, nor with any thing that Gods Word hath simply devolved in the hands of the Kirk. And to conclude, I confesse & acknowledge, *Christ Jesus* to be Head, and Lawgiver to the same; & whatsoever Person doth arrogate to himself, as head of the Kirk, and not as member, to suspend or alter any thing that the Word of God hath only remitted unto them; that man, I say, committeth manifest Idolaterie, & sinneth against the Father, in not trusting the word of his Son; against the Son, in not obeying him, and taking his place; against the Holy Ghost, the said holy Spirit bearing contrarie record to his Conscience. Thus much for my declaration, promised at our last Conference, so far as shortness of time would permit; wherein whatsoever I have affirmed, I will offer me to prove by the Word of God, purest Ancients, and modern Neotericks, & by the examples of the best Reformed Kirks; and whatsoever is omitted for lack of time, I remit first to a Convention of godly and learned men, and next to a General Assemblie, that by these means a godly Policie being settled, we may uniformly arme ourselves against the common enemy, whom Satan else, feeling the breath of God, maketh to rage in these latter dayes. *December 7. 1585.*

James Rex.

The Parliament drawing to an end, because of the cold winter, and uneasy lodging, the Ministers could obtain no farther for the present, but this Interpretation or Declaration, which the King alledged, should be as good for them as an Act of Parliament. There was no opportunity to make a reply where there was need; neither was there great need, if the Reader will consider the animadversions given in by the Ministers at this time; the answers made to the bastard declaration of the Kings intention and meaning, in the late Acts of Parliament; the protestation & declaration made by *Mr Andrew Melvill*, when he declined the judgement; and the processe led against *Mr Robert Montgomerie*, pretended Bishop of *Glasgow*, all which I have already set down. Seeing therefore no further could be obtained for the present, the meeting of the Ministers dissolved, after that the supplication following was exhibited by their Commissioners.

The Ministers Supplication.

Sir, Let it please your Highness, we have seen and considered your Majesties Declaration, and Interpretation upon the mentioned Acts of Parliament; we praise God, as becometh us, for your Majesties judgement and knowledge. Notwithstanding we would most humbly crave, that in this weightie cause, concerning the establishment of a perfect Policie, and State of Government in the Kirk, to stand to all ages and Posterities to come, the matter might be more deeply and digestedly considered, by Conference of the most learned and godly of your Highnesses Realme; and if need be, with consultation of the best Reformed Kirks in other Countreies; that thereafter your Majestie with advice of your Estates may establish it by Law in Parliament. And in the meantime, or at least to the next Parliament, your Highness will grant us libertie and freedom to hold our ordinarie Assemblies, and use such Discipline,

pline, as we were in use of before these late Acts, for government of the Ecclesiastical affairs, concerning which we shall be at all times readie to give an account to God, your Majestie and Council, if we do any thing beside our dutie, or to perturb the Commonwealth, so far as lyeth in us. And in the mean time, that your Majestie would grant to restore all Ministers, Masters of Schooles, and Colledges to their roomes and possessions; and speciallie, that our Brethren *Mr John Howisone* and *William Watsone* be delivered out of ward; and, that we be not troubled in the mean time, to suspend and stay all Execution of the Acts of Parliament lately made, and that the Bishops use nothing, but that which they were in use of, before the making of the foresaid Acts.

James Gibsone Minister at *Pencaitland* was called before the King and his Council at *Linlithgow*, the twenty one of *December*, and was examined for some speeches uttered from pulpit in the Kirk of *Edinburgh*, and was committed to ward in the Castle of *Edinburgh*. But we shall have occasion to treat farther of this matter, when we come to the Assemblie holden in *Februar* 1588.

Upon the Second day of *Januar* 1586. the King rebuked *Mr Walter Balcanquel* publickly after sermon in the great Kirk; & said, he would prove, that there should be Bishops, and spiritual Magistrates, endued with Authoritie over Ministers; and that he had not done his dutie in condemning that which he had done in Parliament. *Mr Walter* undertook to prove the contrare.

There was a Conference between some appointed by the Council, and some of the Ministrie, apparently such only as the King sent for; and they agreed upon the Heads following, according to my Copie.

It is condescended to after reasoning, that the name of a Bishop hath a special charge and function annexed to it by the Word of God; that his Election shall be by a Presentation, directed by his Majestie to the General Assembly, of whom he shall receive his admission.

That he shall be appointed to a special Kirk, where he shall make residence, and there serve the cure as a Minister; providing alwayes, that the particular flocks, being forewarned, have place to oppon, as in the election of other Ministers.

That the General Assembly shall choose out a Senat or Presbyterie of the most learned and godly Ministers, within the bounds, to be limited to him, to have the oversight of Visitation, which shall be only used by the advice of the Presbyterie.

By the Senats advice he shall receive all Presentations of Ministers, within the said bounds, and by their advice proceed to their Trial and Collation, which Collation shall be subscribed by the Bishop or Commissioner, and the greatest part of the said Senat or Presbyterie, in an Assembly lawfully convened; and he himself shall do nothing, but that which a particular Minister or Moderator is astricted to by his Office.

If he be slanderous in his life or doctrine, he shall be answerable to the General Assembly, which is to be appointed, immediatly upon complaint made thereof to his Majestie by one or two of the Ministrie; and if he be found so indeed to be deprived by them. Whereupon another shall be presented of new by his Majestie.

If he admit or deprive without the consent of the most part of his Senat, the deed to be null, and the doing thereof to be a sufficient cause of deprivation.

1585

1586.

The King rebuketh publickly *Mr Walter Balcanquel*.

Heeds agreed upon at Conference.

1586.

The number of this Senat shall be appointed at the first, by the General Assemblie, with his Majesties advice, and if any of the Persons appointed depart out of this life, another to be chosen in his place by the Synodal. His Power to be *Ordinis causa, non Jurisdictionis*.

He shall be Visiter within his own bounds, which shall be appointed to him, and where he may not conveniently overtake the whole bounds, called of old the Diocie, Commissioners shall be presented by his Majestie to the General Assembly, and shall be tried, and admitted by them to that effect, as the Bishops are to theirs, and be countable allannerly to the Assembly, & the Bishops shall have no power within the Bounds committed to them, more then they have within theirs.

The Commissioners being elected, as said is, to have the like Senate, & power in the execution of their Office, as the Bishops have.

The Bishops and Commissioners shall Visite the Presbyteries; and the Moderator of the Presbyteries shall Visite the particular Kirks.

The same causes in life and doctrine to deprive a Bishop, that deprive a Minister.

That Presbyteries of Persons Ecclesiastical shall be erected, in convenient places, by the General Assembly, with advice of his Majestie, or his Commissioners; and the whole Realme to be conveniently divided to the effect.

Where, & in what Presbyterie, the Person presented is to be admitted Minister, upon advertisement made to the Bishop or Commissioner, he shall repaire thither immediatly with his Senat or Presbyterie, and upon trial taken, admit or refuse.

Synodal Assemblies to be holden twice in the Year.

The first Synodal to be holden the twelfth of *April* next.

The first General Assemblie to be holden in *Edinburgh*, the tenth of *May* next, or where his Majestie shall otherwise appoint, and to be convoked by his Majesties Proclamations, and Missives to the Bishops and Commissioners. In this Assemblie, where, God willing, his Highness mindeth to be personallie present, his Majestie, with advice of such of the number present, as he shall adjoine to himself, shall devise and set down a good and solide order for their Convocating, and appointing of all other circumstances, belonging to the same in time to come. The Moderator of the first General Assemblie shall be chosen by manifest voices.

The Jurisdiction of the Kirk consisteth in Doctrine, Ministration of the Sacraments, Exercise of Discipline & Correction of manners by Excommunication, and usual Censures of the Kirk, as likewise Absolution from the same.

That there are some Offences, which properly pertain to the Kirk to inquire into, as Heresie, Apostasie, Witchcraft, Idolatrie, all Fraile in the flesh, Blasphemie, Perjurie, Usurie, Abusing of the Sacraments, Breaking of the Sabbath.

That there are other Offences, which the Kirk may punish by Censures, notwithstanding that the Civil Magistrat cognosce upon them; as Slaughtering, open Disobedience to Parents, Smothering of Children, & such like, & albeit the Civil Magif. remit the penaltie of the Law to the Committer.

That *Mr Robert Montgomerie* shall be presented to the General Assemblie, and there purge himself of his Offences, and be orderly reconciled to the Kirk.

Tha

That *Mr William Watson*, in his odious comparison of his Majestie to *Jeroboam*, & making him inferior to him, is thought to have committed an offence, worthy to be amended by confession in open pulpit, which the Ministrie here present wish and desire him to do; the rather because of his promise made to the Laird of *Largo*, when he was set at libertie, so to do.

It is agreed and thought meet, that the subdivision of Diocies, causes of Deprivation, voting in Parliament, Commissioners and Moderators stipends shall be remitted to a new Conference, which shall be appointed by his Majestie here at *Halyrudhouse*, or where it shall happen him to be for the time, eight or ten dayes before the next General Assemblie, the same Ministers, or others, whom his Majestie shall think meetest for the purpose, being warned thereto.

As for fasting, the General fast is remitted to the General Assembly, the particular to every particular Kirk according to the occasion.

I finde no record of this other Conference, which was appointed to be holden eight or ten dayes before the next General Assembly. Some things in the Conference above written were excepted against in the General Assembly.

The Provincial Synod of *Fife*, which was interrupted these two Years bygone, convened at *St Andrews*, in the beginning of *Aprill*. *Mr James Melvine* Moderator of the last Synod had the exhortation. The Assembly being convened in the accustomed place very frequent, he discoursed upon the corruptions of the Humane and Satanaical Bishoprick, of the settling of the true Discipline within the Kirk of *Scotland*, and comfortable possession of the samine. Then he directed his speech to *Mr Patrick Adamson*, sitting beside him with a haughtie countenance, and recounted to him shortly his life and actions; and said, that he being a Minister in the Kirk, the dragon had so stinged him with the venom of Avarice and Ambition, that swelling exorbitantly, he threatned the destruction of the whole bodie, in case he were not timously and with courage cut off. He exhorted the Assembly convened to play the Chirurgeon, for preserving the bodie, seeing all meanes had been long since used for amendment upon that most corrupt and monstrous member. *Mr Patrick* was so dalled, that he could scarce sit, and so went forth. He was sundrie times summoned by some Brethren sent to him, to compare and answer to sundrie complaints of certain Brethren. At last he was charged to compare under the paine of Excommunication. He appeared, but satisfied not the Assembly in the points, which were laid to his charge. The Assembly weighing every one of his answers, and finding neither Satisfaction nor Submission, but rather greater contumacie & contempt of the Assembly, and obstinate avowing of untruths and errors, in open face of the Synod, after calling on the Name of God, decreed him to be excommunicated, as followeth.

Anent the whole processe, deduced against *Mr Patrick Adamson*, having considered it and tried the same, with mature deliberation and conference, the Assembly hath found thereby, that the said *Mr Patrick* hath no wayes amended his Contumacie and Disobedience to the voice of the Kirk of God, & of the said Assembly, convened in the name of our Lord *Jesus*; but rather continuing therein contemptuously, travelling to usurp & exercise his tyrannical Ambition & Supremacie over the Kirk of God, his Brethren and this present Assemblie, with sundrie

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flanderous untruths, as well against the Word, as against some of the Brethren, & being desired by diverse Admonitions, given to him by certain of the Brethren in name of the Assembly, to hear the voice of the Kirk, he not only contemptuously & disdainfully refuseth the Censure, and Judgement thereof to be tried by the Assembly; but claiming Supremacy & Judgement above them, heapeth up contempt against the ordinance of *Jesus Christ*, adding thereto the notoriety of the Accusation before the General Assembly, wherein he was thought worthie, for weightie and great Causes and Crimes, to be Suspended indeed from all function of the Ministrie; as an act made by the General Assembly in *October 1583.* produced and read in this Synodal Assembly, at more length propounds: contrarie to the tenor whereof, he hath not only usurped the foresaid function, against the ordinance of the Kirk, and to the heave slander of the Ministrie; but also displayed a banner against the whole good Order and Government of the Kirk, practised within this Realme, with most fruitfull effects following thereupon, since the reformation of Religion within the same: And specially his notorious impugning the settled order of the General Assemblies & Presbyteries, which are grounded upon the same word. Therefore, and for diverse other notorious slanders, whereof he was to be accused, and refused to underly any lawful trial, the Assemblie, in the fear of God, and in the name of *Jesus Christ*, moved by zeal to the Glorie of God, and purging of his Kirk, ordaines the said sentence of Excommunication instantly to be put in execution in face of the Assemblie, and by the mouth of *Mr Andrew Hunter* Minister of *Carnbie*, at command & appointment of the Assemblie, declareth him to be one of those, whom Christ commandeth to be holden by all and every one of the faithful, as an Heathen or Publican; and ordaineth the sentence of Excommunication to be intimated in all Kirks, that none pretend ignorance thereof.

The Synod decerned after this manner, notwithstanding that he had appealed from the interloquutor, pronounced concerning the passing forth of the *Master of Lindsey*, *Mr Andrew* and *Mr James Melvins*, and not removing of them, & from all things done, or to be done in this Synod to his prejudice, to the Gen. Assembly of the Kirk, proclaimed by his Majestie against the twelfth of *May* next, or to any other lawful Assembly General, when it should happen to be convened, & protested for *Apostol's*, and all other things by forme of Law requisite for him. For the Synod had found by experience, that the cutting off of so pernicious, and rotten a member, was too long delayed. The Bishop being Excommunicat penned a forme of Excommunication, within a day or two after, & in a Bishoplike manner, sent out a boy with one or two of his jackmen to read it in the Kirk; wherein he excommunicated *Mr Andrew* and *Mr James Melvins*, and some other Brethren. But the people regarded no more his Excommunication, then if it had not been. Notwithstanding of the old Suspension, and of the new Excommunication, he would go to pulpit to preach. Some Gentlemen, and other good people in the Town, convened in the new Colledge, to hear *Mr Andrew Melvine*, because they made conscience to hear one both Suspended from his Ministrie, and Excommunicated. The Bishop was informed, that they convened in the new Colledge, of purpose to pull him out of the pulpit, and to hang him. He called for his jackmen and friends, and fearing to abide in the Kirk, took him to the steeple. Howbeit the

Bailliffes, and his favourers were readie to convoy him to his own Castle; yet scarce could he be drawn forth. At length, partly drawn, partly carried away, he so stinked, that those who were nearest him, could scarce abide him. A bare brake forth in the high streer, and ran before him toward the Castle. The people called it the BishopsWitch.

Mr Andrew Moncreiff, Minister at *Kinnocher* for the time, acknowledged publickly before this Synod, with tears, his offence, in subscribing the Articles of the 1584. year.

The Bishop directed a messenger with a complaint to the King, and an appellation to the King, the Estates and the privie Council. *Mr James Melvill* made a prolix & learned answer to his Appellation. The Appeller alledged, the Synod was convoked against the Kings Acts of Parliament. He *Answereth*, If the appealer meaneth the Acts of Parliament made in *May 1584*. it may be answered, that not only the Ministers of *Fife*, but all the Ministers of the Kirk of *Scotland*, take the said Acts to be dispensed - with by his Majestie; and laid loose to be reasoned upon, and reformed according to the Word of God; or else how should the Brethren, assembled at *Linlithgow* at the Parliament holden there in *December 1585*. have given in Animadversions upon these Acts, at his Majesties own command, plainly shewing to his Majestie, that so many of these Acts as concerned the Kirk could not stand with the Word; and therefore craved; that they might be abrogated and annulled? How should his Majestie have given, under his own hand-writ, his Interpretation and Declaration upon the Acts, far diverse from the Bishops printed Declaration, wherein some of these Acts are annulled, some much altered, and some declared to be far otherwise taken, then commonly they were taken formerly; as in special the act concerning Excommunication? How was there a reasoning and conference then promised, and after set down upon all these things, concerning Kirk matters, if these Acts should stand now in full vertue and force of Lawes? How have the Brethren of the Ministrie, throughout all the parts of this Countrey, assembled to their weekly Conventions, and to this last Provincial Assembly? How have publick Fasts in sundrie places been indicted, and solemnly kept? How hath his Majestie given licence, and accorded in a plaine article of Conference, that the Provincial Synods shall be holden twice in the year, according to the which the last Synod was holden in *St Andrews*? In what Estate shall Kirk, King and Commonwealth stand, if these Acts of Parliament shall stand in full force, and execution passe thereupon? The Appeller hath for his Archiepiscopal State but only one of these Acts of Parliament, which both in itself beareth, and his Majestie in his Interpretation hath declared to be but temporarie, and to endure only to the next Parliament; and so it is long since expired.

Where the Appeller required for their convening, the Kings Letters, and the Bishop of the Diocie his warrant & authoritie, he *Answereth*, They convened conforme to the accustomed & wonted order; and there was no new forme prescribed; neither could they follow any other manner or forme, nor was used in the other Synods of the Countrey, which neither sought any farther of his Majestie, than his licence and good will declared at the Conference; nor would in any manner of wayes acknowledge the Authoritie of Bishops, which long since by the Word of God they had damned, in their General Assemblies.

The Appeller objected, that *Mr Robert Wilkie* was chosen Modera-

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The Bishop's appellation &c. answered.

tor at the Synod. *He answereth*, That he was a Teacher of Theologie, and laboured in the word and Doctrine, specially the last year in *St Andrews*, when their hireling Bishop, their pretended Pastor, had left them shamefully.

The Appaler alledgeth, that the chief and first votes were of some Barones & Gentlemen, Masters of Schooles & Colledges, who have no function in the Kirk, and ought to have no suffrages in lawful Assemblies. *He answereth*, The Gentlemen were, and are ordinarie Elders in their own Congregations and Sessions; and, in all parts of this Realme ever since the reformation, were admitted as fellow Governours in the Kirk, to reason, vote & conclude, in all matters belonging to the Kirks Jurisdiction; and yet their votes were not required at this time. As for those whom he calleth Schoolmasters, they were Professors of Theologie, Elders and members of the Presbyterie: but it is untrue that their votes were first craved.

The Appaler alledgeth, that he was not summoned, nor no cause lawfully alledged; and that by Acts of Parliament it is provided, that summons against beneficed men be libelled upon fifteen dayes warning, that their lawful defences may be discussed. *He answereth*, That the processe, and the honest, grave and godly Pastors, sent thrice to him to summon him to compear, can testifie the contrate. As for the Act of Parliament, it toucheth matters of goods *in foro civili*: & that he readeth of no Acts of Parliament prescribing a forme of proceeding to the Kirk.

The Appaler alledgeth, that if he was Excommunicated for non-compearance, no processe could ensue thereupon: for non-compearance induceth no condemnature; but the judges proceed, and lead probation as if the partie were present: and howbeit they might excommunicat, his non-compearance was purged by compearance under Protestation, that he acknowledged not their judgement. *He answereth*, That he was not Excommunicated only for non-compearance, but for open rebellion, contempt and disobedience against the voice of the Kirk, plainly professed in face of the Assembly, together with many other horrible crimes, clearly known to the whole Countrey, whereof there needed no cognition, unless men would be so mad as to enquire, whether the sun shineth at mid-day. He bringeth-in examples, out of the Ecclesiastical storie, of fundrie that were deposed for not compearance. Whereas he alledgeth, he compeared under protestation; it is true, he compeared before he was challenged of such crimes, whereof his Conscience convicted him: but durst not compear after to make his defences, being *excommunicatus* for the same effect. But when he was present, and heard heinous crimes laid to his charge, instead of answering for himself, he discovered greater obstinacie & contempt, then at any time he had done before; which, by the judgement of all that were present, made him a great deal more worthie of that sentence, then otherwise he should have been, if he had not compeared.

The Appaler alledgeth, that he was accused for defence of his Majesties Authoritie in the Kirk, contained in the second Act of Parliament, made in *May Anno 1584.* and of the State of Bishops, which falsly they termed Poperie; and finding them disposed to excommunicat, he appealed to his Majestie, his Councel and Estates, and lawful Assembly, and sought of them Apostolo's, and they proceeded notwithstanding. *He answereth*, That it is a malicious untruth, that any thing was laid

to his charge in that Synod, concerning the Kings Authority or Power in Kirk or Commonwealth. Indeed his pretended or usurped Bishoprick, as it was in his Person, to which he entred by horrible perjurie, and monstrous menswearing of himself before the General Assembly, and maintaining, and setting forward of late the State of Bishops, contrary to his many Hand-writs, and Subscriptions, Doctrine from Pulpit, and Reasoning, and voting in Assemblies; & his proud behaviour in the same, tending to the overthrow of the whole Discipline of the Kirk, were laid to his charge; and the defence of that Estate by the Dregs of Antiquitie, and corrupt passages, and blots of Doctors, was affirmed to be Papistical, likeas the Estate it self is the chief Power of the Throne of that cursed Antichrist. As for proceeding, notwithstanding of his appellation, they had no just cause to delay, unlesse they would have neglected their dutie. Farther, Appellations serve not to stay the proceedings of the judge. For then no sentence should be pronounced before the matter come to a Superiour Judge, no crimes should be punished by inferiour Magistrats & Judges, nor Decrees passe in matters of Goods or Land; but only to be a meane to the Person, that findeth himself hurt in his action, to have his processe brought & tried before the Superiour Judge, which benefite the Synod did not impede. Here he bringeth in sundrie examples out of the Ecclesiastical Historie.

The Appealer alledged the Processe was unformal, because the Sentence, in so weightie a matter, passed by two moe votes of two ignorant Ministers, who can scarce decline their grammer Rules, their pretended Moderator reclaiming; and one *Mr Andrew Hunter*, servant to *Mr Andrew Melvaine*, when they had left the Schooles, and were in the Closse, cried, he was moved by the Spirit of God to excommunicat him; which Anabaptistical and Fantastical conceit is to be repressed, by the severitie of his Highness Lawes. He *Answereth*, That the whole Synod in one voice agreed, that he was worthe to be excommunicated instantly, except five or six, of which number the Moderator was one, who thought it not expedient for the time, howbeit lawfully it might be done. That these two or three, whom he reprochfully calleth Ignorant Ministers, are more able to discharge their calling then himself, and are more faithful and diligent in their function then ever he was. As for *Mr Andrew Hunter*, he was never *Mr Andrew Melvin's* servant, but a Student of Theologie for the space of two years, and thereafter about four years since admitted Pastor of the Congregation of *Carnbie*. That the Sentence was proclaimed in the Closse, in an Anabaptistical furie and conceit, is a manifest lie, & such a Blasphemer should be verily punished by the Magistrat.

The Appealer alledged the raritie of the Ministers, who were present at the Synod. He *Answereth*, That there were present twenty eight Elders labouring in Word and Doctrine, beside Gentlemen, Elders of Congregations, and Commissioners of Townes.

The Appealer alledged, that they observed not the order made by themselves, and their own Assemblies, which suffereth no man to be rashly excommunicat, but upon weightie and grave causes, Prayers preceeding divers Sundayes in the Kirk. He *Answereth*, That it appeareth, he hath never known the Acts of our Assemblies, or read the Book of Excommunication, allowed by the General Assemblie, and practised in the Kirk of Scotland, where, in taking order with Committers

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of publick crimes, the processe is summar without any admonitions, according to the command & practice of the Apostle, rebuking sharply the *Corinthians*, because they had not incontinent excommunicat the incestuous Person; and commanding them to do it without delay: And the Example of *Ambrose*, who as soon as he was certain of the fact of *Theodosius* the Emperour, he would not suffer him to come into the Kirk: And howbeit at his rebuke he was stricken with remorse, yet he excommunicated him, and held him in that state the space of eight moneths, notwithstanding of his continual mourning. And that this order is laudable, serving to purge the Kirk incontinent of slander, and the evil of horrible crimes, and to bring the offender to a deeper consideration of his crime. And of this sort are the crimes & processe of the Appealer. And that it was a great negligence in the Kirk of *Scotland*, that did so long oversee such a Monster, so offensive to the Godly, both at home & abroad. And therefore the Lord hath made him a scourge of late for their oversight.

The Appealer alledged, that sundrie learned men are of that opinion, that where there are Christian Princes, no Excommunication should have place, for many weightie causes, whereof this Countrey at this present hath experience. He answereth, It followeth not, because they thought so. Many Papists, learned men, thought, that Hebrew & Greek should not be taught in Christian Schooles, for they bred heresies; as the Appealer himself maintained, in open audience of many honourable, godly and wise Men; and for the same reason. Many learned men think libertie of Conscience, as they call it, necessarie in a Commonwealthe; and so the Appealer hath not been ashamed to affirme, and to have been shrewd Counsellour for that purpose in this Countrey. There are indeed one or two learned men of that judgement concerning Excommunication, but it is so absurd, and so well confuted by the best and godly learned, that the chief and best reformed Kirks in *Europe* have damned it. If our border men, and other Scottish theeves understood, that it were the opinion of some learned men, that no theeves should be hanged, nor put to death for stealing of goods, they would cleave to that opinion, and maintaine it with all their might. The Appealer may be compared to a sow, or other such like unclean Beast, about the house of a wealthy Man, which, leaving the good stuffe & clean herbes, taketh pains to seek out dirt and filthie excrements.

The Appealer alledged, that in case Excommunication should be admitted, it belongeth not to Ministers, when they are separated from their Congregations, and assembled among themselves in a Synod: For how can Ministers presumptuously expel without consent of the Kirk? For the Kirk, Prince & Noblemen disassenting, what can ensue, but schisme and sedition? He answereth, Christ *Mat. 18.* giveth power of binding and loosing to Pastors, Doctors and Elders lawfully Assembled, which Assembly is there called the Kirk, as the best learned expound; neither can it be otherwayes taken without intollerable absurdities. Yet this power is given to a few number of Pastors and Elders in one Congregation, much more to a great number of Pastors & Elders, directed from many Congregations, to assemble in his name in a lawful Synod. This power given to the lawful Assemblies of the Governours of the Kirk, Particular, Provincial and General, was received and put in practice for five hundred years after Christ. *Montanus* the heretick was Excommunicat in sundrie Synods of *Asia*. *Novatus* with his adherents in a

Synod gathered at *Rome*, in the time of *Docius*. *Samosatenus* in the second Council of *Antioch*, under *Aurelian*. *Arrius* with his companions in the Council of *Nice*, under *Constantine*. *Nestorius* in the Council of *Ephesus*, in the dayes of *Theodosius* the younger. Often times the flocks are as heretical as their Pastors, being impositions by them. And it appeareth, that the judgement of the learned, who require the consent of the Congregation in Excommunication, is to be understood, when one of the people is to be Excommunicat, not when Pastors have action against a Pastor. Farther, the consents, votes and judgements of the Congregations were had, in respect their Pastors and Elders, directed in Commission from them, consented. As for the consent of the Magistrat, where God in his word hath set down the dutie of the Governours of the Kirk in executing their Office, and the Christian Magistrat by his Lawes hath ratified and approved the same, they have no need to run daily to the Court, to seek new advice and consent of the Magistrat. Indeed if there be any great appearance of Schisme in the Kirk, or of uproare to arise thereby in the Commonwealth, wise and discrete Pastors should employ the assistance of the Magistrat for repressing of the same. And so in that place we like well of *Augustins* advice. But no Schisme or uproare was to be feared for this matter: for who could have doubted, but all the Godly in *Scotland* would rejoice and glorifie God, for cutting off so cankered and festered a member from the bodie? But suppose they had known, that the Devil and his Instruments would make a stir, should they cease from taking away evil from among Gods people, & from purging out the contagious leaven, that it infect not the whole lump? This were to distrust Gods power and wisdom, and to betray the Kirk of God. If Prophets, Apostles, Martyrs and other notable Servants of God, had taken that course, there should never a good work have been brought to passe.

In end, the Appeller bringeth-in a saying of *Chrysostome*, concerning abuse of Excommunication and Anathematization. He answereth, That the place may be applyed to himself, who in his choler and rage sent out his jackmen, and boyes to cry-out curses in the Kirk against good men, well known, and approved to be the true Servants of God. He taxeth him likewise for his ignorance, in not discerning between Excommunication and Anathematization, which is an higher degree, and was not used against him.

The Generel Assembly convened at *Edinburgh* the tenth of *May*, in the upper Tolbooth. *Mr Robert Pont*, Moderator of the last Assembly General, exhorted the none-subscribing Ministers to stand constant, or rather commended them for their constancie, and exhorted the subscribers to repent. When they were to choose their Moderator, the *Prior of Blantyre*, *Lord Privie-seal* and *Mr Peter Young* declared, it was the Kings pleasure, they should stay from further proceeding till afternoon, and that they conven in the Chappel Royal. The Assembly consented upon condition, that the libertie of the Assembly be not prejudged in that point. They conven afternoon in the Royal Chappel. The King declareth that he convoked the Assembly for two causes; the one was to make a protestation of his soundness and constancie in Religion, because evil reports were spread abroad of him by some of his own Subjects, both within, and without the Countrey, by reason of the late alterations; and to satisfie any that would give a reason of their suspici-

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on. The other was, that they might resolve amongst themselves upon some forme of Discipline and Church Government, most agreeable to the word of God, which he purposed to Establish throughout the whole Realme. They proceed to the election of a new Moderator. The King voting first, and making choice of *Mr David Lindsey*, the most part of the votes followed that way; whereby men might conjecture of the inclination and disposition of a number of the Assembly. For *Mr David* was a man gracious to the Court, and the subscribers had not yet thoroughly repented.

Some Brethren were nominated, and appointed to consider the Kirks, which might be most properly united in Presbyteries, according to the bounds assigned to them *respective*. They presented their judgement and names of the Kirks in writ, which was delivered to the Clerk of Register, whom the Assembly requested to consider the same, and to give his judgement thereupon. In the fourteenth Session, such of the Brethren, as pretended any doubt concerning the order of the Presbyteries, were ordained to repair to the Clerk of Register. In the fifteenth Session, the Assembly ordaineth two or three of every Countrey to resort to the Clerk of Register, to visite the plot of the Presbyteries, & order thereof, where they may give their advice, and be satisfied. The Estate and Order of the Presbyteries was presented by the Clerk of Register, and insert in the Register of the Assemblie, where the Kirks are set down in columnes and long rolles, which for prolixitie I omit. The Reader is here to be advertised, that Presbyteries were erected before the breach made in the Kirk, *Anno 1584.* and that now they are restored, and a new plot of Kirks to be united in Presbyteries, somewhat different from the former, is devised.

In the fourth Session it was thought meet, that the next Synodal Assemblies shall begin the first tuesday of *October* next to come, and the place was appointed for every Synod by this Assembly. But after their first conveneing, it was left to the Choice of every Synod to appoint from time to time such places within their bounds, as they thought most convenient.

The Assembly desired the Secretar to request his Majestie, that the General Assemblie may be holden yearly, or oftener, as occasion shall offer, & to understand what time his Majestie thinketh meet for holding of the next Convention.

In the *sixt* Session, two Articles, reasoned upon in the privie Conference, were proponed by the Moderator to the Assembly, and assented unto as followeth. 1. It is found, that all such as the Scriptures appointeth Governours of the Kirk, to wit, Pastors, Doctors and Elders may convene to the General Assemblies, and vote in Ecclesiastical matters; and all other that have any suite, or other things to propound to the Assemblie, may be there present to give in their suites, propound things profitable to the Kirk, & hear reasoning; but not vote. 2. There are foure ordinary office-bearers set down to us by the Scriptures, to wit, Pastors, Doctors, Elders and Deacons; & the name of Bishops ought not to be taken as it hath been in Papistrie, but is common to all Pastors and Ministers.

Seff. 8. Touching the motion, made by the Kings Commissioners to the Assembly, to resolve, if they will accept Bishops with the conditions set down in the Conference, holden between certain of his Majesties

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Council, and certain of the Brethren of the Ministrie. After publick reading of the Conference, they continued their answer till to morrow. The Kings Commissioners came to the Assemblie, and the Treasurer assured them; it behoved them either to approve the whole Conference, whereunto his Majestie agreed, or else that all things must remaine as they were: for except the State of Bishops were received, as was agreed in that Conference, the King would agree to nothing. In the *ninth, tenth and eleventh* Sessions, they consider the Articles agreed upon in the Conference holden at *Halyrudhouse*, and thus far they assent. They agree to the *first* Article, it being conceived in these termes, It is condescended, that the name of a Bishop hath a special Charge annexed to it by the Word of God, the same that the ordinarie Pastor hath. After reasoning, they concluded, that it was lawful to the General Assemblie to admit a Pastor, Bishop or Minister having a benefice, presented by the Kings Majestie to the same. That Visitation is in the Person of Pastors. That the General Assemblie may send one, accompanied with such as the Presbyterie shall joine to him for Visitation. They declare, that by the name of a *Bishop*, they meane only such a Bishop, as is described by *Paul*. They assent, that the Bishop may be appointed by the General Assemblie to visite certain bounds to be limited to him; and in Visitation thereof, that he proceed by advice of the Synodal Assemblie, and such as they shall joine to him. In receiving of Presentations, and giving Collation of benefices, he shall proceed by the advice and vote of the Presbyterie, where the benefice lyeth, and of certain Assessors to be joined with him, at the least, of the most part of the Presbyterie and Assessors, until the time the Presbyteries be better constituted, and the General Assemblie take farther order. The Assessors at the first time shall be nominated and chosen by the General Assemblie. He shall be subject, in respect he is a Pastor, as other Pastors are, to be tried and censured in his Life and Doctrine by the Presbyterie or Synodal Assemblie; and so far as he hath Commission from the General Assemblie, in that respect to be tried by them. If he admit or deprive, without consent of the most part of the Presbyterie and Assessors, the deed to be null, and the doing thereof to be a sufficient cause of Deprivation. His power to be *ordinis causa, non jurisdictionis*. Where they, that are commonly called Bishops, may not overtake the whole bounds, called of old Diocies, Commissioners shall be presented by his Majestie to the General Assemblie, and admitted to the same by them, as the Bishops are to their bounds; and shall be countable allanerly to the said Assemblie for their Commission; and the Bishop shall have no power within their bounds, more then they have within his. That the Commissioners, being elected as said is, shall have a like counsel and power in the execution of their Office, as the Bishops have. That the Commissioners appointed visite either Presbyteries, or Particular Kirks, as the Presbyterie or Synodal Assemblie shall think good, not prejudging the Presbyteries particular Visitation. The same causes or offences in Life and Doctrine, which serve for depriving of a Minister, shall serve for the deprivation of a Bishop. They agree to the *first* Article touching Assemblies. The Commissioners for the King protested, in respect the Assemblie had thrown down that which was agreed to, in the Conference holden at *Halyrudhouse*, between certain of the Council, and certain of the Ministrie, that nothing done either in the said Conference, or in this Assemblie, have any force or effect; and namely in res-

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pect they have subjected Bishops to the trial and censure of Presbyteries and Synodal Assemblies. Whereupon the Assembly directed *Mr Robert Pont*, *Mr James Melvine* and *Mr Patrick Galloway* to the King. They report in the twelfth Session, that his Majestie could not agree, that Bishops and Commissioners should be tried otherwayes then by the General Assemblies. In respect of the time, the Assembly thought it expedient, (although it was reasonable, that the trial and censure of Pastors be in the power of Presbyteries) nevertheless that the trial and censuring of such Pastors, as the General Assembly shall give Commission to Visite, shall be in the power of the said Assembly, or such as they shall depute, till farther order be taken by the said General Assembly. In the same Session it is resolved, that the Commissioners, appointed by the General Assemblie, shall continue in that charge for a year, and from thence forth only as the Assembly shall think expedient.

In the *Thirteenth* Session, touching Commission of Visitation, either to Bishops or others, the Assembly declareth, that the said Commission shall cease, and take no effect in time coming, unlesse a new Commission be given to them by the General Assemblie to that effect. *Mr Robert Pont*, *Mr David Lindsey*, *Mr Andrew Hay* and *David Fergusone* were appointed to make a choice out of the whole number of the best qualified for the said Visitation, and to give in their names to my Lord Secretary. In the *seventeenth* Session, the Assembly, having considered the qualities of the Persons, nominated Commissioners by the Kings Majestie, to Visite the bounds after specified, admitted them to the said charge in the Particular bounds, as followeth, *Robert Grahame* to *Cathness*, *Mr John Robertson* to *Rosse*, *Mr John Keith* to *Murray*, *Mr James Hay* to *Bamffe*, *Mr Peter Blackburne* to *Aberdeen*, *John Areskern* of *Dunn* to *Angus* and *Mearnes*, *James Andersone* to *Dumblane*, *Mr James Brysone* to *Nithsdail*, *Mr David Lindsey* to *Lothian*, *Mr Andrew Clayhills* to *Merse* and *Teviotdale*, *John Duncansone* to *Galloway*, *John Porterfield* to *Kile*, *Carrick* and *Cunninghame*; *Mr Andrew Hay* to *Cliddisdail*, *Ranbrow* and *Lennox*.

Touching Moderators of Presbyteries, till farther order be taken, it is agreed, that where the Bishops and Commissioners make their residence, that in the said Presbyteries they shall be Moderators, except in *Fyfe*, where, by the Kings Majestie's advice, *Mr Robert Wilkie* is continued Moderator of the Presbyterie of *St Andrews*, till the next Synodal Assemblie.

Sess. 15. Where the Kings Majestie & his Household make residence, it is found meet, that they with his Majesties Ministers be of that Presbyterie, where they make their residence. And the like is to be understood of Noblemen their Household and Ministrie.

Sess. 18. The Brethren directed to the King with certain Articles, craving present determinat Resolution, reported, that he had agreed to all, with exception upon one, which he had noted with his own hand.

The tenor of the Articles.

That there be a General Assemblie every year once, and oftner *pro re nata*.

Matters to be treated in Provincial Assemblies.

I.

These Assemblies are constituted for weightie matters to be treated

with

with mutual consent, & assistance of the Brethren within the Province, as need requireth.

The Assemblie hath power to handle, order or redresse all things omitted, or done amiss in the Particular Assemblies.

It hath power to depose the Office-bearers of the Province, for good and weightie causes, deserving deprivation. The King agreed not to this Article, but in this manner; It hath power to depose the Office-bearers within that Province, except Commissioners and Bishops.

And Generally these Assemblies have the whole power of the Particular Elderships, whereof they are to be collected.

Matters to be treated in the Presbyteries.

The power of Presbyteries is to labour diligently in the bounds, committed to their charge, that the Kirks be kept in good order: to enquire diligently after naughtie and ungodly Persons; and by travel to bring them in the way again by admonition, or threatening of Gods judgements.

It belongeth to the Eldership to take heed, that the Word of God be purelie preached within their bounds, the Sacraments rightly ministered, Discipline maintained, and Ecclesiastical goods incorruptly distributed.

It belongeth to this kind of Assemblies to cause the Ordinances made by the Assemblies, Provincial, National or General, to be kepted and put in execution.

To make Constitutions which concerne *the same* in the Kirk, for decent order in the Particular Kirks, where they Governe; providing that they alter not Acts made by the Provincial or General Assemblies, and that they make the Provincial Assemblies foresaid privie to the said Acts that they shall make; and to abolish Constitutions tending to the hurt of the same.

It hath power to Excommunicat the obstinat. The King added; formal processe being led, and due intervale of time being observed.

Touching Particular Kirks.

If they be lawfully ruled by sufficient Ministers and Session, they have power and Jurisdiction in their own Congregation, in matters Ecclesiastical, to take order therewith; and such things as they cannot decide, to bring to the Presbyterie.

Offences to be tried in the Presbyterie.

Heresie, Papistrie, Apostacie, Idolatrie, Witchcraft, consulting with Witches, contempt of the Word, not resorting to the Word, continuing in blasphemie against God & his Truth, Perjurie, Incest. Adulterie, Fornication, Common Drunkenness. These things for the present, till farther order be taken by Conference.

Farther, the Brethren directed to the King reported, that his Highness declared, that for trial of any slander in the Life, Conversation and Doctrine of Bishops or Commissioners, the Assemblie shall appoint a certain number of Brethren in every Province, having power from the Assembly to try them, take probation, and lead processe between and the next Assembly, if occasion fall out, remitting the finall sentence and

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determination to the said General Assemblée. The Assembly gave power and commission to certain Brethren, to summon before them, at such day and place, as they should think expedient, the Bishops and Commissioners after nominat, if they finde occasion of slander to arise by them in Life, Doctrine or Conversation, at any time between & the next General Assembly; tottie and take probation, lead and deduce processe against them, to the sentence *exclusive*, remitting the final judgement to the General Assembly, till farther order may be taken by uniforme consent of the Brethren; and to report their processe and trial to the next Assembly, where the sentence may be pronounced, according to the qualities & circumstances of the action. The Bishops and Commissioners to be tried, are the Bishop of *St Andrews*, the Bishop of *Dunkelden*; the Commissioners for *Cathness*, *Ross*, *Murray*, *Bamfe*, *Aberdeen*, *Angus*, *Dumblane*, *Nithisdail*, *Lothian*, *Merse* and *Teviotdale*, *Galloway*, *Kile*, *Carrick* and *Cunninghame*, *Clidsdale*, *Ranbrow* and *Lennon*. Some Brethren were appointed to trie one Commissioner, others to try another. The same Brethren *respectivè* were appointed to be Assessors to the Commissioners of their Countreyes, and with the advice of their Presbyteries, in taking trial of Persons presented to benefices, and admitting of them, except in *Fyfe*, where there are appointed Assessors to Mr Patrick Adamson Bishop of *St Andrews*, David Fergusone, John Dyks, Mr Adam Mitchel, John Ure, Mr Robert Wilkie, Mr James Wilkie, Mr James Martine.

Before these commissions were given to try Bishops and Commissioners, in the *Thirteenth Session* Mr Patrick Galloway and John Duncanson were directed to the King, to desire that some of the Council may be appointed to convene with some of the Ministrie, to fight the Processe of the Synod of *Fyfe* against the Bishop of *St Andrews*, and his Appellation: whereunto the King agreed. In the *sixteenth Session*, the Brethren of the Synod of *Fyfe* were desired to remove; because in the Conference it was thought meet, some things should be proponed concerning the Bishop of *St Andrews* his Appellation. The Brethren of *Fyfe* craved, that their processe might be read, and their answers heard to the alledgeances of the Appellant, protesting that otherwayes howsoever they proceeded or sentenced in that matter, it should be no prejudice to their sentence and processe, nor to the Kirk of *Scotland*. The Brethren of the Assembly for the most part voted, that they would not enter in a rigorous discussing of the Appellation and Processe; but would absolve him without farther trial, providing he subscribe a certain writ, which should be presented to him, whereupon followed his absolution, as followeth.

The Absolution
of M. P.
Adamson.

For as much as Mr Patrick Adamson Bishop of *St Andrews*, hath by his submission underwritten, and presented to the General Assemblée of the Kirk, dated at *Halyrudhouse* the twenty day of *May* 1586. and subscribed with his hand, declared, that in Gods presence he solemnly denieth, that he either publickly professed, or meant in any sort, to acclaime a Supremacie, to be judge to the Kirk, or any Assemblée lawfully convened, or ever allowed the same to have a ground in Gods Word; and if he had so done, granteth it had been an error, and against his Conscience. Item denieth, that in the late Synodal Assembly at *St Andrews* he acclaimed to be judge thereto; and if he did, in that he erred, will remit him to the Brethren present, and crave their oversight, and promise a good behaviour in time to come. Item, he will

in Gods.

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In Gods presence promise, to acclaime no further power, nor he may justly by Gods Word, and according to the late Conference; and shall by Gods help endeavour, in all time coming, to shew himself in all behalves a Moderat Pastor, and so far as he may be able, a Bishop described by *Paul*; and submit the trial of his Life, and Doctrine to the judgement & censure of the General Assembly, in all time coming, according to the Word of God; as the said writting, subscribed as said is by the said Bishop, my Lord Justice Clerk, *Mr Peter Young* and *Mr George Young* witnesses, beareth. Therefore, and for his Majesties satisfaction, and to give testimonie with what good will the said Assemblie would obey his Highness, so far as they ought, and in Conscience may; and for good hope they have of his Majesties favourable concurrence, in building of the house of God; and for a quietness to continue in the Kirk of God, in this Realme: and because the processe of Excommunication was led against the said Bishop, & the sentence pronounced, during the time of the Conference, whereupon his Majestie hath taken occasion of offence, which for many good causes were convenient to be removed; they will therefore forbear to examine the said processe, or decide whatsoever provocation or appellation, or to call in doubt the legalitie or forme of the said processe, or condemne the Synod: Yet for the respects foresaid, and upon good and weightie considerations, they hold the said processe and sentence as unled, undeduced or pronounced; and repon the said Bishop in all respects, so far as may concerne the said processe and sentence of Excommunication, to the former estate he was in immediately before the same, as if no processe, nor sentence had been led and deduced against him; providing alwayes he observe what hath been promised by him in the premisses, and behave himself dutifully in his vocation, in time coming.

Master Andrew Hunter protested in the *Sevententh* Session, as followeth. In respect that the Provincial Assemblie of the Kirk gathered in Christs name, holden at *St Andrews* the twelfth day of *April* 1586. For manifest crimes and open contumacie, hath justly and formallie according to the Word of God, and sincere custome of this Kirk, excommunicated *Mr Patrick Adamson*; and that in this General Assemblie they take upon them to absolve the said *Mr Patrick* from the sentence of Excommunication, the processe not being tried nor heard in publick, the Person Excommunicat declaring no signes of true Repentance, nor craving the said absolviture by himself, nor by his procurators, before the very time, wherein they absolve him: I therefore for my part, and in name of all the other Brethren and true Christians, who will be participant with me, take God to record of the dealing of that Provincial Assemblie, and this Assembly General; protesting also before the Almighty, his holy Angels and Saints here convened, that I have no assurance in Gods Word to my Conscience, to assent, allow or approve this his absolviture: And therefore until the time I perceive his conversion to be true and effectual, I cannot but hold him as one justly delivered to Satan, notwithstanding of the said absolvitur. And this his Protestation, subscribed with his hand, he desired to be registred *ad perpetuam rei memoriam*; and with all gave in his reasons moving him thereto. *Mr Andrew Melvine* and *Mr Thomas Buchanan* adhered to their Protestation made before.

It was ordained in this Assemblie, that a citation be directed to sum-

Mr Andrew Hunter protesteth against the absolviture.

Proceedings against Mr David Cunningham Bishop.

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mon *Mr David Cuninghame*, Bishop of *Aberdeen*, to compear before the Presbyteries of *Glasgow & Stirline*, the twenty one of *June* next, to be tried, whether he be guiltie of the slander of Adulterie committed, as was reported, with *Elizabeth Sutherland*, or any other Person; and if he shall be found by good liklyhoods to be guiltie, to suspend him from the function of the Ministrie till the next General Assemblie; and to summon him to compear before them, to hear their determination; and that the summons directed against him be execute personally, if he can be apprehended; and that failing, at the Kirks of New and Old *Aberdeen*, and his dwelling places, by the Ministers of New and Old *Aberdeen*.

In the end of this Assemblie, all Ministers were exhorted & admonished to judge charitably of others, albeit there be diversitie in their opinions and votes, and to remit every man to God and his Conscience; and that none publickly in pulpit quarrell or impugne the determination of the Generall Assemblie, concerning the matter of appellation from the sentence of the Synod of *Fyfe*. By this it appeareth, there was not as yet full agreement among the Ministrie, since the last breach made in the Kirk; & that the Conclusions of this Assemblie, favouring of any corruption, past only by pluralitie of votes, and not with uniforme consent. Yet the Conclusions of this Assemblie, concerning that piece of preeminence reserved to Bishops, endured not long, as ye shall see anone.

In this Assemblie, as *Mr James Melvine* observeth in his Memorials, was first perceived, what fear & flatterie of Court will worke among weak and inconsiderat Ministers. Much travel was taken by the King and Courtiers, for annulling the sentence of *Mr Patrick Adamsons* Excommunication. The Kings Commissioners assured the Moderator and his Assessor, that the Kirk would not be restored to her Libertie, unless the Bishop were restored to his own place again. When they were not like to obtain their intent, they send for the Commissioners of every Province, and laid before them the same Terrours. Some were moved, some through ignorance consented to the mids, above-mentioned. *Mr John Maistlan* Secretary, in presence of the whole Assemblie, assured the Brethren, in case this mids were not imbraced, that not only the whole Discipline of the Kirk would be discharged, but also the Ministers stipends; and the Bishop would be set up to preach in *Edinburgh*, speak in the contrare who would. Notwithstanding of these terrours many dissented.

The Secretary *Mr Peter Young* and the Prior of *Blantire*, Commissioners for the King, proponed in the *Third Session*, whether Bishops might have preeminence over their Brethren, if not *Jurisdictionis*, yet *Ordinis causa*. The Assemblie answered; it could nor stand with the Word of God; only they must tollerat it, if it be forced upon them by the civil Authoritie.

Soon after the dissolving of this Assemblie, the act made in favours of Bishop *Adamson* was intimat with sound of trumpet. *Mr Andrew Melvine* and his nephew *Mr James* were soon after called before the King and Council. The Council pretended the division between the Bishop and them, & the division of the Universitie following thereupon, & ordained *Mr Andrew Melvine* to be confined in *Angus*, *Mernes*, *Perth* and other parts of the North, under pretext to travel and conferre with Jesuits, to reduce them to the true Religion, so far as in him lyeth. *Mr*

James,

James, because he was sick of a tertian fever, was sent back to the new Colledge, to attend upon his own charge. Bishop *Adamson* is enjoined by ordinance of the Councel; to teach two lessons of Theologie every week, within *St Salvators* Colledge, and that without prejudice of his ordinary preaching to a Particular Flock, whereunto he was astricted by the late Conference. Thus Satan did strive mightily to hold up his banner against the Kingdom of Christ. The Universitie sent the Deane of Facultie, and the Master of every Colledge, with a supplication to the King for Mr *Andrew*. The King granted him licence to return, providing the Bishop might live in peace, and be used reverently. Yet he was not restored to his place till about the beginning of *August*, that he got access to the King by the Mr of *Graves* moyen. The winter following, it pleased God so to assist Mr *Andrew*, that the Theologus began to look more narrowly to the Truth, both of the Doctrine, and of the Discipline; & the Bishops fair shadowes and shewes began to evanish. The sincerer sort, both of the Town, and of the Universitie repaired to the Colledge, and heard Mr *Andrew* and Mr *Robert Bruce*, whose mouth God opened at that time; and made scruple to hear the Bishop; notwithstanding of his absolution in the late Assemblie. And indeed the Bishop felt the weight of the sentence of Excommunication afterward, notwithstanding of the said absolution, & albeit he was upholden by the Authoritie of man.

In the Synod of *Merse*, *Teviotdale* and *Tweeddale*, it was enacted as followeth.

For as much as there is risen a heaveie and great slander, not only through many parts of *Scotland*, but also among divers reformed Kirks in other Nations, that we of the Ministrie of *Scotland* are divided in opinions, touching the true Policie and Government of the house of God; which is spread and increased by subscribing of a Letter, presented by the Kings Majestie to a number of us the Ministrie, and by mistaking of the simple and sincere meaning of the subscribers of the same: Therefore we the whole Brethren convened in this present Synod, do manifest and publish to the whole world; that among us there is no difference nor diversitie of opinions, touching the Policie & Government of the house of God; but we do fully agree, that the same is the right Government of His House, agreeing with the blessed Institution of his Son, the only Head of the same, which hath been exercised in *Scotland* by Ministers, Elders and Deacons, Particular Assemblies of Kirks, Presbyteries, Provincial and General Assemblies, as was before *May* 1584. Years. The true and plaine meaning of us of the Ministrie, that subscribed the Letter, was only an obligation of Obedience to the Kings Majestie, and so many of his Highness Lawes, as were agreeable to the Word of God allanerly, according to his Majesties own Declaration to us by Word and writ (that his Highness would presse us no farther) before the said subscription; no wayes allowing of that tyrannical Supremacie of Bishops & Archbishops over Ministers; nor of the Lawes, which directly repugne to the Law of God, as namely, the *second*, *fourth*, *fifth* and *twentieth* Acts of Parliament, holden in *Edinburgh* the foresaid year; as also the act annulling Mr *Robert Montgomries* Excommunication, or any other act made to that effect. But that we that subscribed, and they that did not subscribe, and they as we, in unitie of opinions and mindes, declare our discontentment and mistaking of the said act of tyrannical Supremacie: And therefore will men charitably to esteem and judge of us all, as united and faithfully

An act of
the Synod
of Merse
and Te-
viotdale.

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knit together to the careful building of the house of God. And therefore this present Assemblie ordaineth every Presbyterie to take order for the publication of this Act, as they shall think expedient, and as may serve to edification, and removing of the slander, where it is most spread; & further, that none inveigh against us either publickly, or privatly, in the pulpit or at table, directly or indirectly, touching the premises. Which if they do, the same being tried by the Presbyterie, the Person found guiltie shall be suspended from all function in the Ministrie, till farther order be taken thereanent by the Synod or General Assemblie.

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The Ministers of
Edinburgh
committed to Black-
ness.

Sic subscribitur, Mr John Knox Moderator, Mr Andrew Claybills Minister at Jedburgh, and others to the number of thirtie; of which number, at this present year of God 1631. are alive John Smith Minister at Maxtoun, George Johnstoun Minister at Ancrome, Mr William Melfan Minister at Langtoun, now Minister at Foga, and Mr James Dair Minister at Ettelstoun.

The Session of the Kirk of Edinburgh refusing to enjoin their Ministers to pray for the Kings Mother, the King cometh to the great Kirk, and causeth Mr John Couper come down from the pulpit, when he was at the first prayer, that he might give place to the Bishop of St Andrews. Mr John said to the King, he would make account one day to the great Judge of the world for such dealing. When the Bishop went up to the pulpit, there riseth a murmuring and noise among the people, and many went forth. At this time the Ministers of Edinburgh were committed to ward in Blackness, for refusing to pray for the Queen Mothers delivery; whereupon it followed, that there was no preaching in any of the Kirks of Edinburgh upon the Lords day, neither could the King move his own Ministers, Mr Craig or Mr Duncansone, to supplie their places. They refused not simply to pray for her; but for the preservation of her life, as if she had been innocent of the crimes laid to her charge, which had imported a condemnature of the Queen of England, and of her judges proceedings. She was execute in Fotheringhame castle upon the eight of Februar; and so this controversie, about the forme of praying for her, ceased.

A General
Assembly.

The General Assembly convened at Edinburgh about the twenty of June. Mr Andrew Melvaine was chosen Moderator.

Sundrie Brethren complained, that Mr Patrick Adamson Bishop of St Andrews suffered himself to be denounced rebel, and put to the horne, for not paying the stipends assigned to them, and for not furnishing Elements to the Communion; that partly by his lying at the horne, and partly by reason of suspension, some resorted not to the Sacraments ministered by him. The Kings Commissioners thought meet, that the King should be first acquainted, before there were any proceeding against him. Yet after we finde, that the doubt being proponed, if it be a slander to a Christian to absent himself from the Sermons, Ministrations of the Sacraments, or other Godly Exercises, used by such as lye at the Kings horne, and are suspended from all function in the Ministrie? The Assembly answered, there is no slander in that case; but on the contrarie, that it is slanderous to resort.

Commis-
sions renew-
ed.

The Commission, given in the last Assemblie for trial of the Bishop of Aberdeen, was not put in execution; And therefore was renewed in this Assembly. The Commission likewise given to try the Bishop of Dunkeld, if there was any occasion by reason of slander in his Life or Doctrine,

was renewed. The Brethren, appointed to censure *Mr Robert Montgomerie*, reported, they had set down to him a forme of repentance, but he had given no obedience. *Robert Grahame* Commissioner of *Cathness* was challenged for non-residence at his own Kirk. The Assemblie remitted him to the Commissioners appointed to take order with non-residents.

Seff. 8. Touching the slander of admission of a Bishop to the Bishoprick of *Glasgow*, the Brethren of the West, referred first to the privat audience of the Moderator & his Assessors; the Moderator with the rest of the Brethren declared, that they heard the Commissioner and Presbyterie anent the whole forme of the admission of the said Bishop, which was only to the Temporalitie, the Ecclesiastical jurisdiction reserved to the Kirk; and with condition, in case the General Assembly allowed not such an admission, the same should be null, whereupon they have his obligation. Which forme, howbeit the said Brethren would not maintaine to be according to the Word, or order of the Kirk heretofore observed, yet they did nothing of purpose to hurt the Kirk, but rather to prevent great inconveniences, which might have followed, if he had not been admitted. The matter being considered by the whole Assembly, howbeit they understood the good meaning of the said Brethren, and acknowledged their zeal in resisting in times by past the corruption of that Estate; yet all voted and concluded the said forme of Admission to be unlawful, neither agreeing with the Word of God, nor with the order & custome of the Kirk: and therefore ordained the said Brethren, admitters of the said Bishop, to urge him with performance of the said obligation, & to cause the said admission to be undone and annulled, and that with all possible diligence betwixt & *Michaelmes* next to come at the farthest, to the effect that slander may be removed from the Kirk, as they would answer upon their obedience.

Master Robert Pont was presented to the Bishoprick of *Cathness*. Before he removed out of the Assemblie, that the matter might be considered, he declared, that for some losse and damage he had sustained in his trouble after diverse suits given-in to the exchequer, at length this Presentation, without his procurement, was put into his hand; he desired the judgement of the Brethren, if the living might not be enjoyed with a safe Conscience, and without slander; and that he was willing to be Minister at *Dornoch*, to take the charge of Visitation at the command of the Kirk, & for his Office and charge enjoy the living only. The Assembly after advisement sent this Letter following to the King.

Sir, Let it please your Highness, we have received your Letter, willing us to elect our brother *Mr Robert Pont* to the Bishoprick of *Cathness*, vaiking by the decease of unquile *Robert Earle of March*, your Highness uncle. We praise God, that your Majestie hath a good opinion and estimation of such a Person, as we judge the said *Mr Robert* to be; whom we acknowledge indeed to be already a Bishop according to the Doctrine of *Saint Paul*, and qualified to use the function of a Pastor or Minister at the Kirk of *Dornoch*, or any other Kirk within your Highness Realme, where he shall be lawfully called, and worthie to have a competent living appointed to him in that regard; as also to use the Office of a Visitor or Commissioner within the bounds or Diocle of *Cathness*, if he be burdened therewith. But as to the corrupt Estate or Office of those, who have been called Bishops heretofore, we find it not agreeable to the Word of God,

and

Mr. Robert Pont presented to the Bishoprick of *Cathness*.

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and it hath been damned in diverse others of our Assemblies; neither is the said *Mr Robert* willing to accept it in that manner: which we thought good to signifie to your Majestie, for answer to your Highness Letter; and have ordained our Brethren, who are to be appointed Commissioners, to wait upon the next Parliament, to conferre with your Highness & Council at more legh, if need require, hereupon. Thus after offer of our most humble Obedience, we earnestly with the Spirit of the Lord to assist your Highness in all good affairs. From our General Assembly the twenty eight of June 1587.

Acts.

It was ordained in this Assemblie as followeth. 1. For as much as Satan and his members daily more and more seek by all means to advance his kingdom of darknes, and for that cause in these later times stir up cratie and subtilie Spirits, armed mightily with Sophistrie and deceit, to abuse the Truth, and by shadow of cunning and learning to blinde the eyes of the simple sort: For which cause it is the part of the true Kirk vigilantly to occurre to his craft, and by all means to endeavour the advancement of *Christ's* Kingdom. Therefore the Assemblie hath advised and thought good, that the Presbyteries, together with the Commissioners in all the parts of the Countrey, every one of them for their own parts, prescribe to every young man, that is a Minister within such a Presbyterie, a part of Scripture, together with a part of the Common places and Controverted heeds of Religion, to be diligently read, considered and studied by him, within such a space of time, as the Presbyterie thinketh good to appoint to him. And that the fruit of his diligence may appear the better, every Presbyterie, at certain times in the year, being convened, shall take an account of the young mans travels, by requiring of him, in the part of Scripture prescribed unto him, the summe and deduction of the matter, the solid sense and meaning of these places, which are most difficile to be understood, a collation of the sentences and arguments, which by reading he may be able to gather out of that part of Scripture appointed to him; which arguments may serve either to confirme the Truth, or to refute heretical Opinions. And as for the part of Common places & Heeds of Religion prescribed to him, let him be readie to answer to the questions moved thereupon; and so to be exercised in this kinde from time to time, till he come to a certain maturitie, and soliditie of judgement in the Scriptures. 2. Particular Sessions of Kirks and Congregations are to be subject to their Presbyteries, as hath been accorded before by act of the Assembly. 3. No Masters of Colledges or Schooles shall receive in their Colledges or Schooles to teach any Students or Schollars of mature age, which refuse to subscribe the True Religion, presently established & professed by the mercie of God within this Realme, or which refuse to participat the Sacraments, under the paine of the Censures of the Kirk. Farther, before any Student be promoted to any degree in the Universitie, they shall *toties quoties*, as they shall be promoted, subscribe *de novo*; otherwayes their promotions to be stayed, under the pains foresaid: And that the Presbyteries be diligent to see the performance of this act, as they will answer to God. 4. All Pastors of whatsoever sort, shall be subject to the trial and censure of their Brethren, as well of the Presbyteries, as of the Synodal and General Assemblies, concerning their Life, Conversation & Doctrine; & such as shall refuse trial & censure, the said Presbyteries, Synodal or General Assemblies shall proceed against them. No exemption here of such as had the power of Visitation.

Touching

Touching the question moved, if the suspension of a Minister from the function of the Ministrie for a time, for just causes, be repugnant to the word, or not? The Assemblie, albeit they think no just doubt may be moved in this matter, in respect of their Conclusions in former times, and daily practices and examples since; yet the matter being reasoned *de novo*, it is found, that the same agreeth with the Word of God: And therefore, that the Acts, made thereanent before, should stand in full strength, and not be called back in any wayes.

Touching Commissioners of Countreyes, it is concluded, their Commission shall continue from Assemblie to Assemblie; and that the Brethren, appointed to wait on the Parliament, supplicat his Majestie, that the Commissioners appointed by them in the last Assemblie may be continued still; seeing there is no fault found with them, for the present.

Some Articles were proponed in the Kings name. 1. Concerning the Bishop of *St Andrews*, if there be any controversie, that it be reasoned in his Majesties presence. 2. That the Bishop of *Aberdeen* be not wronged in his jurisdiction and living, but that the same be exercised by himself: Because the alledged slander, whereby he was damnified before, is sufficiently tried, and removed. 3. Concerning *James Gibson* and *Mr John Couper*, that they acknowledge and confesse their publick offences against his Majestie, & satisfie for the same, as he shall think good; or otherwayes be deprived from all function in the Kirk. 4. That *Mr Robert Montgomerie* be receiued, without any farther Ceremonie, in the fellowship and favour of the Kirk. 5. That the Laird of *Fentries* Excommunication be declared null.

These instructions were given to the Commissioners appointed to wait on the King and Parliament.

As concerning the first two Articles, that the judgement of the Assemblie be followed and notified to his Majestie. The Assemblie agreed in the *sixteenth* Session to answer, that there was no proceeding against *Mr Patrick Adamson* in the Assemblie. As to *Mr David Cunningham*, there was a notorious slander in his Person, and the Brethren could not as yet see any clear purgation.

As to the *Third*, they shall travel by all means possible to please his Majestie in that matter, that it may be brought in oblivion; and failing thereof, in case they shall finde any good assured hope, that the Assemblies Articles shall be accepted, & granted to passe in Parliament, they shall bring the matter to such a mids, as may best agree with the honour of the Ministrie, satisfaction of the Godly, and Consciences of the Brethren themselves, against whom his Majestie hath conceived offence; otherwayes they leave the matter whole and free to be tried by the General Assemblie. *James Gibson* was absent from this Assemblie. In the *Eighteenth* Session, the Assemblie answered to *Mr John Couper*s demand, if they found any fault in him, wherefore his mouth should be closed? That they found no fault. And he protested, that for as much as that matter was committed to certain Commissioners, that if they decreed any thing to his prejudice, he be not obliged thereto, unless they all agree in one.

As to the *fourth*, they shall dispense with *Mr Robert Montgomerie*, in some ceremonies used in repentance, in case they finde his Majestie willing to remit somewhat of the rigour of his Majesties satisfaction, craved of the two Brethren.

1587.
Questions
decided.

An act for
Commis-
sioners of
Countrey-
es.
The Kings
Articles

Instruc-
tions for the
Commis-
sioners to
the Parlia-
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1587

As concerning the Laird of *Fentrie*, they shall shew his Majestie, that the Assemblie hath appointed certain Brethren to see what effect the dealing of such, as were appointed in the last Assemblie, hath taken with him; and to travel farther by all good meanes, to bring him by repentance into the bosome of the Kirk, whereby that sentence may be in very deed annulled.

They shall admit nothing hurtful; nor prejudicial to the Discipline of the Kirk, as it was concluded according to the Word of God, by the General Assemblies preceeding the fourscore & fourth year; but precisely seek the same to be ratified & allowed, if possible it may be. Marke this instruction.

The Reader at *Auchintoule* was found to have transgressed the Acts of the Kirk, in solemnizing of marriage *intra privatos parietes*; and therefore to have incurred deprivation from his Office & function in time coming.

At this Assembly *Mr Robert Bruce* was moved by some Brethren to accept the charge of the Ministrie, in place of *Mr James Lawfone*. He was not yet resolved to take the Charge *simpliciter*; but was content to bestow his labours upon *Edinburgh*, till the next Synod; and if he found himself then resolved, and meet for the Charge, he should continue, otherwayes he would be free. His calling to the Ministrie was very forcible. For after he had studied the lawes in *France*, and was by his fathers direction, the Laird of *Airth*, commanded after his return, to attend upon the Court and Session for his affairs, and his friends, the Lord began to work mightily in his Conscience, so that he could finde no rest, till he was suffered to go to *St Andrews* to *Mr Andrew Melvine*, to studie Theologie. His Mother would not condescend till he had first denuded himself of some Lands and casualties, wherein he was in feost; which he did willingly. So emptying his hands of all impediments, and laying aside his Courtly apparel, he went to *St Andrews*, before *Mr Andrew Melvine* was forced to flee out of the Countrey. Yet he continued in his studies till his return, and after to this time. Walking at a certain time with *Mr James Melvine* in the fields, he said, before I cast my self againe in that torment of Conscience, which I had in resisting the calling of God to the studie of Theologie, and to the Ministrie, I had rather passe thorough a fire of brimstone half a mile long. *Mr Andrew Melvine*, perceiving how the Lord had wrought with him, and how powerfull his doctrine was, brought him over to this Assembly, and moved the Kirk of *Edinburgh* to suite for him. After he had essayed the burden, and found the blessing of God upon his travels, he accepted the Charge; & was from that time forth a chief Actor, in the affairs of the Kirk, and a constant Maintainer of the established Discipline.

In the Parliament holden in *July*, the Commissioners, appointed by the General Assembly to attend, were careful, that nothing should be concluded prejudicial to the Liberty and Discipline of the Kirk, as it was agreed upon in the General Assemblies preceeding the Year 1584. Little more could be obtained. The Lords, who were in *England* the fourscore & fourth Year of God, thought they had obtained a great benefite to the Kirk, in that Bishopricks, Abbacies and Priories were annexed to the Crown: For by this meanes they thought the Kirk would be no more troubled with Bishops.

In Winter this year the King was busie commenting upon a part of the

A Reader
deposed
for docu

Mr Robert
Bruce his
calling to
the Mini-
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dinburgh.

A Parlia-
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ly.

The King
comment-
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the Apoca-
lyps.

Apocalyps.

Apocalyps. Yet were the Papists practising busily, and preparing for the receit of the *Spaniards*. The rumor of the Spanish great *Armado* being blazed abroad, fervent were the prayers of the Godly; powerful and piercing were the sermons of Preachers, specially in the time of fast.

The General Assemblie convened at *Edinburgh* upon the sixt of *February*. It was convened extraordinarily for the dangers hanging over *Kirk & Commonwealth*, through the practising of Papists. *Mr Robert Bruce* was chosen Moderator.

This Assemblie was much exercised in devising of Overtures and Articles to be presented to the King, for taking order with trafficking Papists: for that was one of the ends, wherefore this Assembly convened at the Kings command. The other end was to provide means, that in time coming such dangerous practices may be avoided and eschewed. They give their advice, both concerning taking order with Papists, whether trafficking Papists and their refetters, or others: As also concerning planting of Kirks, and Visitation of these parts of the Countreyes, where Papistrie and Corruption had chiefly prevailed.

In their grievances they regrave, that Jesuits, Seminarie Priests and other Teachers of popish Doctrine, are suffered so long to pollute the land; that the practisers and traffickers against the true Religion, and libertie of the Realme, are reser and intertained, to bring to passe their most dangerous devices and plots; the refetters, intertainers and maintainers, & professed favourers both of the one & of the other, to be so frequent every where; & not only to be tollerated *impune*, but also to have special credite, favour and furtherance in all their affairs at Court, Session & every where throughout the Realme: and on the other part, the true Word of God contemptuously despised by the great multitude, the holy Sacraments horrible profaned by privat, corrupt & unlawful Persons; the discipline of the Kirk not regarded; the Persons of Ministers invaded, menaced & shamefully abused, yea themselves beggered; Lawes made for punishment of Idolaters not put in execution; sufficient Lawes not made for the libertie and welfare of the Kirk, and that such as are made take not good effect. They qualifie these Generals by Particulars, among which we finde these: Holy dayes kepted by plaine Commandment, in the South about *Dumfries*. That there is no Visitation about *Aberdeen*, by reason *Mr Peter Blackburne* is compelled to desist from the same by diverse charges of the Kings Letters, purchased by the Bishop of *Aberdeen*. That *Mr John Leslie* was restored to the Bishoprick of *Ross* in the last Parliament. Superstitious keeping of *Tule & Pasch* in *Fife*. That the Abbacie of *Dumfermling* is given to the *Earle of Huntlie*, to the which he resorting, bringeth with him flocks of *Jesuits*, & excommunicat Papists. That there is great coldness of religion entred in *Ross*, since Jesuits had libertie to passe thorough the Countrey, in the time of the *Earle of Huntlies* lieutenantantrie. That the Bishop of *St Andrews* continueth in giving collation of benefices to unworthie Persons, without the consent of his Assessors. Sacraments are profaned by deposed Readers, & some that never bare Office in the Kirk. That the Sabbath is every where abused about *Stirling*, where there are also Pilgrimages to *Christs-wel*, Fasting, Festivities, Bonfires, Cartols. The Bishop of *Dumblane* lately restored, & returned home accompanied with a stranger, supposed to be imployed here for some strange business, & by his coming, all suspected Papists are encouraged. Next, it is grievously lamented,

1587.

1588.

A General Assemblie.

The ends of convening of this Assembly.

1588.

that in all the parts of the Realme, the planting of Kirks is hindered by want of qualified Ministers and Teachers, and lack of sufficient provision. And therefore think, that the matter must be remedied by restoring againe the patrimonie of the Kirk to the sustentation of Ministers, Schools and Poor; which cannot be done, except the act of Annexion be retreated and annulled; or at the least, the Thirds reduced to their first integritie, according to the old Assumption, and no superplus be acknowledged, till the Ministers and Schooles, through all parts, be sufficiently provided; the Acts of Repossession, whereby actual Ministers are dispossessed, be called; and Persons unqualified, and idle bellies be depose from benefices, and sufficient men placed in their roomes, and so a sufficient living be provided for every Kirk, with a commodious Gleib, & Manse for residence of the Minister. *Finalie*, That out of the temporal Lands namely, there be sufficient livings founded for Professors, and Students of Theologie within the new Colledge of *St Andrews*, and Colledge of *Edinburgh*, so many as may make a convenient seminarie for the intertaining and flourishing of learning, and religion within this Realme, and this for the present necessitie, till provision sufficient be made for Colledges in every part. *Thirdly*, They lament, that Lawes are not put in execution for repressing of vice, which aboundeth in every part of the land, Blood-rouching blood, Incest, Fornication, Adulterie, the Sabbath day profaned with markets, Gluttonie, Drunkenness, Fighting, Playing, Dancing &c. And *Lastly* They lament, that the poor vaige in great troupes & companies through the Countrey, without either Law or Religion.

Mr Robert Mont-
gomrie re-
ceived.

Commis-
sion for vi-
sitation.

Mr Robert Montgomrie gave in his Supplication. The Assemblie, having taken consideration of the Processe led against him, and of the circumstances of the matter, findeth he may be admitted Pastor over a Flock, where he hath not been slanderous; providing he be found qualified in Life and Doctrine.

Commission was given to *Mr Robert Pont*, *Mr Peter Blackburn*, *Mr Nicoll Dalgleish*, to Visite the North part from *Dee* to *Cathness*, inclusive; to *Mr David Lindsay*, *Mr Robert Hepburne* and *Mr Adam Johnstoun*, to Visite the Sherifdome of *Galloway*, *Air* and *Lennox*, and the *Isle of Bute*; to *Mr John Monro* to Visit *Orkney*; because these parts of the Countrey had been most infected with Jesuits. Power was given to them to plant Kirks with qualified Ministers, to depose and deprive such as be unqualified either in Life, or Doctrine, as well Bishops as others of the Ministrie; to crave of all men, as well of high Estates as others, subscription to the Confession of Faith, and Participation of the Lords Supper; to call, convene and try Papists and Apostats; and to proceed against them, conform to the Acts of the Assemblie. *Finally*, to do all other things, that are necessary for Reformation of the said Bounds, and reducing them to good order, for establishing of the Evangel, and good Discipline.

An Act
for sub-
scribing
the Con-
fession of
Faith.

An Act for
hainous
Offenders.

In the fifteenth Session, all Ministers are enjoined to travel with the Noblemen and Gentlemen within their Parishes, to subscribe the Confession of Faith.

Touching the forme of repentance prescribed for Adulterers, Homicides, and other the like Offenders, who were ordained before, by the Acts of the General Assembly, to make satisfaction before the Synod; seeing in many parts of the Countrey the penitents at such times of the

Year

Year, as Synods are holden, are in their lawful traffick, & so some of them out of the Countrey. It is found expedient, that in times coming, where Presbyteries are well ordered and established, in the judgment of the Synods, that the penitents shall performe their satisfaction before the Presbyteries, in the same forme that they were accustomed before the Synods. Where Presbyteries are not well ordered and constituted as yet, in the judgment of the Synods, that the accustomed order be kept.

Mr John Couper with his own consent is removed from Edinburgh to Glasgow, the Lord privie Seal urging his transportation.

In the ninth Session, the Chancellour being present desired the Brethren to consider, if James Gibson had not offended his Majestie, not only in that he uttered these words following in his sermon, to wit, that he thought before, James Stewart, Ladie Isobel and William Stewart had been the persecutors of the Kirk; but now he findeth plainly by experience, that the King himself hath been the persecutor: As Jeroboam, for the erecting of Idolatrie, & permitting of the same, was the last of his posteritie; so he feared, if he continued, he should conclude his race. But also in that he acknowledged to the Brethren of the Conference, that he offended his Highness, & had promised to make satisfaction; but had failed, and broken promise. James Gibson was called on, but compeared not. The Chancellour desired the Moderator to referre to the votes of the Assemblie, whether the words above mentioned were offensive or not. The most part voted they were offensive. He compeared in the tenth Session, and was ordained to be present in the next Session. But not compearing, nor sending any reasonable excuse, he was declared contumax. The Chancellour urging censure, he was Suspended, during the pleasure of the Assembly. That night Mr Robert Bruce thought he heard a voice saying to him, *quare interfuisti condemnationi sero mei?*

In the Parliament holden in July 1587. there was an Act made, intitled, *Anent the trial and punishment of the Adversaries of true Religion presently professed*: It was statute and ordained, that whosoever professed and avowed Jesuits or seminarie Priests, found in any part of the Realme, should be taken, apprehended, called, pursued, and incurre the paine of Death, and Confiscation of all their moveable goods, and whosoever wittingly or willingly should receive or supplie any of them thereafter, by the space of three dayes and three nights together, or severally at three times, upon certain knowledge that they are persons of that Profession, being lawfully and orderly convict of the same, should incurre the losse of their Liferents; and that they, as also the sayers and hearers of Masse, or prophaners of the Sacraments, or other Persons suspected to have declined from the true Religion, or refusing to resort to the Preaching of Gods Word, or whatsoever Person that shall by reasoning, or dispersing of Books and Letters, presume to perswade any of his Majesties subjects, to decline from the profession of the said true Religion, being called to compear, and answer thereupon before his Highness and his Privie Council; In case the persons, so delated and accused, or any of them should be found culpable by his Highness Privie Council, or any five of them, the Chancellour and Clerk of Register being two of that number, either by the confession of the said persons accused, or by the deposition of diverse famous witnesses; or if the said Persons delated, being called and adjudged criminally, (in case his Highness and Council

1588.

Mr John
Couper
transport-
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gow.

James Gib-
son's Pro-
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An Act
anent the
punish-
ment of
Jesuits.

1588.

shall so think good) and be found guiltie and culpable in the premises, that they there-through incur the pain of losse of all their moveable goods, together with the liferents of all their Lands and livings whatsoever, to be uptaken and imployed to his Highness own use, and no wayes to be disposed to the Persons convict, or fugitive, for the cause foresaid. This act was published the fourteenth day of *August* after following in the year 1587. Because sundrie inconveniences followed through default of not putting of the act to due execution; and there-through Jesuits and seminarie Priests continued seduceing diverse of the Nobilitie, and other good Subjects, to decline from the true Religion, and in practising the alteration, and trouble of the Estate. Therefore another Act and Ordinance was made by the King and Estates convened at *Habyrudhouse*, the twenty seventh of *July* this year 1588. Whereby certain Persons, specially expressed therein, were nominated, elected and constituted his Highness Commissioners, and Justices in that part within the Shirefdomes, Stewartries, Bailiaries, Burrowes and Cities, to apprehend, within the bounds limited to them, all and sundrie Jesuits, and seminarie Priests, as namely *Mr James Gordoun* father brother to the *Earle of Huntly*, *Mr Edmond Hay* Brother to the good-man of *Meginche*, *Mr William Crichtoun*, *Mr Alexander Makquhirrie*, *Gilbert Broun* sometime Abbot of *Newabbay*, *Mr Mark Ker* Son to *Robert Ker* elder burgess of *Edinburgh*, and certain others of that profession; in case they depart not forth of the Realme, and enter themselves to the Provost of *Edinburgh* to be lodged, till occasion serve to transport them, according to the proclamation published to that effect; & to search, seek, take & apprehend all and sundrie the Kings Rebels, remaining at the horne for slaughter, and such other odious crimes: And all forners, brigants and masterful vagabonds; and present them before the Justice and his Deputes in *Edinburgh*; or then, that the said Justices and Commissioners themselves put the said Jesuits and seminarie Priests, and others abovementioned, to the knowledge of an Assise, for the said wicked & unlawful practices, and attempts, contemptuous contraveining of the Lawes, and other odious crimes committed by them; and as they shall be found culpable, or innocent, to minister justice upon them, conforme to the Lawes and consuetude of the Realme; to set Court and Courts to this effect; to assume, hold and continue Deputes under them, with Clerks, Sergeants, Dempsters, and all other Officers, and members of Court needful, to make, creat, constitute and ordaine Assise, one or moe for that effect, each Person under the paine of fourtie Pounds; to summon, warne, chuse and cause to be sworne, unlaues, amerciaments and escheats of the said Courts, to ask, list and raise; and for the same, if need be, to poind and distrinzie, compt, reckoning and payment to his Highness, and Treasurer in his name in the chequer to make, wherein the necessary expenses to be made, in the execution of the foresaid Commission, is appointed to be defeaied and allowed. And in case the said Jesuits and seminarie Priests, and others above specified, shall happen to flee to Houses and Strengths, to asseige and pursue them therein, raise fire, and use all force and warlick engine for recovery thereof; and if it shall happen any of them, or any assisting or concurring with them, to be hurt, flaine or mutilat, or any wrack, destruction of house or goods to be done, the same to be imputed for no crime nor offence to the said Justiciars & Commissioners, or Persons assisting them in the execution thereof. Moreo-

ver with

ver with power to the said Justices, and Commissioners, to enquire what feuds or variance stand betwixt any parties, within the bounds appointed to them, and who be the most able and indifferent friends to be employed for composing & removing thereof, & to require & command them to travel to that effect; & the persons standing at variance to submit themselves to the moderation & arbitrement of the said indifferent friends, according to the effect & meaning of the general band subscribed by his Highness, & divers of the Estates: or in case of refusal or delay, to certify the same to his Highness & his Council, with all convenient diligence, that such farther order may be taken thereon, as appertaineth; and to move certain of the most zealous and warthie persons in every Parish, to take upon them his Highness Commission, for execution of the Act of Parliament, made for punishment of strong and idle Beggars, & relief of the poor and impotent. As also the said Commissioners and Justiciars were ordained and commanded to proclaim, and cause make weapon-showing of all sensible Persons, in the bounds particularly limited to them, and to charge them to convene in armes, at all occasions needful, for defence of the Countrey, and resisting of all outward, and domestick invasion, tending to the danger of the Professors of the true Religion, or troubling of the common Quietness of the Realme. And farther to charge and require all good Subjects to coneuere and assist them in the execution of the premises, under the pains contained in the Acts of Parliament; and farther, under the paine to be repute, holden, esteemed and pursued as hinderers of his Highness service, and as partakers with the foresaid rebellious and disobedient Persons, in their ungodly and wicked deeds. It is ordained by this act of Secret Council of the date foresaid, that the said Justiciars and Commissioners do their exact diligence for execution of the premises, as they and every one of them will answer upon their obedience at their uttermost charge and peril; and further, under the paine of a thousand pounds to be payed by every one of them that shall be found remisse, or negligent therein.

The Band, whereof mention is made in the act abovementioned, which was subscribed by the King, Council, and divers of the Estates, here followeth.

We under-subscribing, considering the strait linke and conjunction betwixt the true and Christian Religion, presently professed within this our Realme, and Sovereigne Lords Estate and Standing, having both the self same friends, and common enemies, and subject to the like event of standing and decay; and weighing therewith all the imminent danger threatned to the said Religion, as well by forreigne preparations for prosecution of that detestable conspiracie against Christ and his Evangel, called the *Holy League*; by outward and inward practices of the Favourers and Supports thereof among ourselves, who now, animated by the report of forreign powers repairing to his Realme, begin more plainly to utter and profess their long-conceived evil meaning to the Truth, and consequently to the standing of his Majestie our Sovereigne Lord; whom they have found and tried to be a constant and inflexible Professour of the same. The preservation whereof being dearer to us then whatsoever we have dearest in this life; and finding in his Majestie a most honourable & christian Resolution to manifest himself to the World to be that zealous & religious Prince, which he hath hitherto professed; and to employ the means and power, which God hath put into his hands, as well to the

The general Band

withstanding

withstanding of whatsoever that forreign force shall meane within this Island for alteration of the said Religion, or endangering of the present Estate; as to the repressing of the inward enemies thereto among our selves, linked with them in the said Antichristian League and Confederacie: Have therefore, in the presence of the Almighty God, and with his Majesties authorizing and allowance, faithfully promised, and solemnly sworne; likeas hereby we faithfully and solemnly swear, and promise to take a true, easfold and plaine part with his Majestic among our selves, for diverting of the apparent dangers threatned to the said Religion, and his Majesties estate and standing, depending thereupon, by whatsoever forreigne or intestine plots or preparations. And to that effect faithfully, and that upon our Truths & Honours, binde and oblige us to others, to conveen and assemble our selves publickly with our Friends, in armes, or quiet manner, at such times and places, as we shall be required by his Highness Proclamations, or by write or message directed to us from his Majestie, or any having power from him; and being conveened and assembled, to joine and concurre with the whole forces of our friends & favourers, against whatsoever forreigne or intestine powers, Papists and their Partakers, which shall arrive, or rise within this Island, or any part thereof, readie to defend or pursue, as we shall be authorized and conducted by his Majestic, or any other having his Power and Commission, to joine and hold hand to the execution of whatsoever meane or order shall be thought meet by his Majestic and his Council, for the suppressing of Papists, promotion of the true Religion, and settling of his Highness estate and obedience, in all the Countries and Corners of this Realme, to expose and hazarde our lives, lands and goods, and whatsoever meane God hath lent us, in defence of the said true and Christian Religion, and his Majesties Person and Estate, against whatsoever Jesuits, and seminarie or Masse-Priests, condemned enemies to God and his Majestic, to their utter wrack and extermination, according to the power granted to us by his Highness proclamation, and Acts of Parliament, to try, search and seek-out all Excommunicats, Praetisers, and other Papists whatsoever, within our bounds and shires, where we keep residence, delate them to his Highness and his privie Council, and conforme us to such directions, as from time to time we shall receive from his Majestic, and his Council in their behalves; and specially so many of us, as presently are, or hereafter shall be, appointed Commissioners in every Shire, shall follow, pursue and travel by all means possible, to take and apprehend all such Papists, Apostats and Excommunicats, as we shall receive in write from his Majestic. And we the remanent within that Shire, shall concurre and assist the said Commissioners, with our whole friends and forces to that effect, without respect of any Person whatsoever. And generally to assist in the meane time, and defend every one of us another, in all and whatsoever Quarrels, Actions, Debates moved, or to be moved against us, or any of us, upon action of the present band, or other causes depending thereupon, and easfoldly joine in defence and pursue against whatsoever shall offer, or intend any injurie, or revenge against any one of them for the premises: Making his cause & part that is pursued, all our parts; notwithstanding of whatsoever privie grudge or displeasure is standing betwixt any of us, which shall be no impediment nor hinderance to our said easfold joining in the said common cause, but to lye over, and be misknown, till they be orderly removed,

and

& taken away by the order underspecified; to the which time, we, for the better furtherance of the said cause and service, have assured, and by the tenor hereof, every one of us taking the burden on us for our selves, and all that we may let, assure each other to be unhurt, unharmed, or in any wayes to be invaded by us, or any of our foresaids, for old feuds or new, otherwayes then by the ordinaire course of Law & justice; neither shall we, nor any of our foresaids, make any provocation of tumult, trouble or displeasure to others, in any sort, as we shall answer to God, and upon our honours, and fidelitie to his Majestie. And for our further and more heartie union in this service, we are content, and consent, that all and whatsoever our feuds and variāces fallen, or that may fall out betwixt us, be within fourtie dayes after the date hereof amicable referred, and submitted to seven or five indifferent friends, chosen by his Majestie, of our whole number, and by their Moderation and Arbitrament componed, and taken away. And finally, that we shall neither directly nor indirectly separat, or withdraw us from the union and fellowship of the remanent, by whatsoever suggestion or privat advice, or by whatsoever incident regard; nor stay such resolution, as by common deliberation shall be taken in the premises, as we shall answer to God upon our Consciences, and to the world upon our Truth and Honours; and under the paine to be esteemed traitours to God, and his Majestie; and to have lost all Honour, Credite & Estimation in time coming. In witness whereof, his Majestie in token of his approbation, and protection promised to us in the premises, and we by his authorizing and allowance foresaid, have subscribed these presents with our hands.

The Lord *Maxwel* was committed toward, in the beginning of the year 1586. for having masse openly in the Kirk of *Glencluden* at the Christmas before. But was set at libertie not long after, & departed out of the Countrey at the Kings command: at which time he went to *Spaine*. After his return in the moneth of *May* this year 1588. He hired souldiers to be in readines, when the King of *Spaines* armie should arrive. The King went to the South to pursue him: but *Maxwel* taking him to a ship for his safetie, *Sir William Stewart* brother to *James Stewart* sometime Earle of *Arran*, was sent to pursue him, who apprehended him upon the fifth of *June*, & brought him to the King. The King brought him to *Edinburgh*, and committed him to the custodie of *Sir William Stewart*. Upon the penult of *July*, *Sir William Stewart* was killed by *Bothwel*. And when the King came from *Falkland* to the palace of *Harbrough*, yet *Bothwel* stayed as nothing afraid.

Captain Semple, lately come home with *Spanish* gold to the Popish Lords, was apprehended by the Laird of *Carmichel* at the Kings direction. But *Huntlie* rescued him out of his Hands; yet he was rendered againe at the Kings command, and was warded in *Robert Gourlayes* house in *Edinburgh*; but soon after broke ward, and escaped.

The overthrow of the *Spanish* fleet, arrogantly called the invincible Armado, in *July* and *August*, is set down with all the circumstances of the preparation, and means of the overthrow, in *Carletouns* Discourse, *Camdens* Annals, *Stowes* Chronicle, and by others to whom I refer the Reader desirous of particular information, seeing it is not my principal purpose to treat of such matters. It is true, the Spaniards carried a revengeful minde against the English, for dammages received by sea by *Haulius*, *Drakes*, & some others & for aiding the *Hollanders*. But his chief

1588.

Maxwel
warded.Captain
Semple ap-
prehended.The over-
throw of
the Spanish
armado.

1588.

Preparation
for resistance
of the Spaniard.A General
Assemblee.Mr P. Adamson
to be censured.James Gibson
purged of contumacie.An Article
concerning
Patronages.

desire was to conquer this Isle, partly for the worth of it, partly to be the more able to subdue the confederat Provinces of the *Netherlands*, & to secure the East and West *Indies*.

Upon the fifth of *August*, a Proclamation was made at the *Crosse of Edinburgh*, wherein were discovered the Dangers imminent to Religion, arising either from intestine enemies, or forreigners. The band devised for maintenance of Religion was ratified. The Commissioners & Justiciars, nominated in the late Act of Council, are charged to convene the forces of every Shire, as occasion shall be offered, for defence of Religion, & of the Kings Estate, & withstanding of strangers to land; & the Subjects were charged to rise under the pain of losing Life, Lands and Goods; and a command was given by proclamation, that there should be frequent musters throughout the whole Kingdom; upon the twenty day, and the last day of this instant Moneth of *August*. For the report went that there was an huge Armie of the *Spaniards* upon the Sea's, purposing to land in *Scotland*, and to passe through it to *England*. But what was become in mean time of the *Spanish* Fleet, ye have heard. Many of them were cast away upon our Coast, and some of the persons begged from doore to doore.

The General Assemblee convened in the little Kirk of *Edinburgh*, upon the sixt of *August*. A solemn Fast was appointed to be kept in *Edinburgh*, upon the Thursday and the Sabbath next. Two of their number were appointed to passe over the water to the King, to put him in minde of the present dangers, that with concurrence of the Nobility, & the Countrey, he might provide for timous defence.

The Presbyterie of *Edinburgh* refused to solemnize the Marriage betwixt the Earle of *Huntlie* and his *Ladie*, unless he subscribed the Confession of Faith; inhibited also others to do it, but in special *Mr Patrick Adamson*, with certification, if they did, they should be called before the General Assemblee. *Mr Patrick* celebrated their Marriage notwithstanding, upon the twenty one of *July*, without urging subscription to the Confession of Faith. Whereupon he was cited to compare before this Assemblee, but compeared not. The Assemblee giveth Commission to the Presbyterie of *Edinburgh*, to summon him to compare before them, at such convenient times as they think expedient, to answer for the action contained in the said Summons, and for such other complaints and accusations, as shall be given in particular against him, namely by *Mr Robert Pont*, and *Mr Adam Johnstoun*; and to proceed, & give sentence, as the Assembly it self might do, according to good Order, and the Discipline of the Kirk.

James Gibson gave in his Supplication, desirous to be heard, to purge himself of contumacie, for not compearance at the last Assembly, when he was commanded. The Assembly referred it to the privie Conference. They report, that he had declared upon his Conscience, that the cause of his absence was not rebellion nor stubbornness; but only the good affection he had to the well of the Kirk in general, being informed, that if he had compeared, and had not been punished, the affairs of the Kirk would have been rejected by the King. The Brethren thought his Declaration sufficient to purge him of contumacie; yet he remained suspended.

It was enacted in the fifth Session as followeth. For as much as since the late Act of Annexation, his Majestie hath transferred the right of the

Patronages

Patronage of diverse Benefices from his Highness to sundrie temporal Men, Earles, Lords, Barons, and others, of whom some have gotten confirmation of the same in Parliament; others have obtained the same since the Parliament; and the third sort have gotten the gift of the naked Patronage allanerly, to the evident danger, hurt and prejudice of the Kirk. It is thought good, that his Majestie be earnestly supplicated, that the dispositions, authorized by Parliament, may be recalled in the next Parliament; that such as have been granted since may be in like manner annulled; and in the mean time, that it will please his Majestie to close his hands from disposing the said right of Patronages, which as yet remaine undisposed, and that this Majestie would provide, that Commissioners and Presbyteries, to whom the Collation appertaineth of the said Benefices, be not proceessed or horned, for not giving admission thereupon; and that all Commissioners and Presbyteries be inhibited, that they in no wayes give Collation or Admission to any Persons, presented by the said new Patrons, until the next General Assemblie.

Seff. 14. The Brethren have thought meet and ordained, that in time coming, when it shall please God to convene the General Assembly, that the first day of the Assemblie, in the place & Town where they convene, a publick Fast & Humiliation be kepted, as well by the Inhabitants, as by the Pastors convened; and that the ordinarie Pastors teach before-noon in the morning; and afternoon, the time and hour of the Exhortation made before the Assembly being kepted, as of before, that it may please God to give His Blessing to the Convention, and good successe to their travels. Because it was concluded, that the next Assembly should be holden in *Edinburgh*, it was ordained, that the Pastors there give intimation of the Fast to the Congregation upon the Lords Day before the said Assemblie.

A solemn fast was kepted about the end of *October*, which continued three Sabbath Dayes, wherewith was joined the Celebration of the Lords Supper. Thanks were given to God for that notable delivery from the invasion, attempted by the cruel *Spaniard*.

Notwithstanding that the Lord had manifested, the year preceeding, by the overthrow of the *Spanish* Armado, what care he had of his poor Kirk in this Isle; yet did the enemies of the Truth continue still in their despight and malice. Sundrie trafficking Jesuits, seminarie Priests, and other emissaries of *Antichrist*, creeping into this Countrey, ceased not to pervert the people, in sundrie parts, namely in the North and the South, whereupon dangerous effects were like to follow. Therefore the most vigilant of the Ministrie, warning and moving others, as the custom of the Kirk of *Scotland* was from the beginning, convened at *Edinburgh* in the moneth of *Januar* 1589. and gave in to the King and Councel the petitions following.

Humble petitions to his Majestie and Councel, for preventing of the dangers, threatned to the professors of the true Religion within the Realme.

That it may please his Majestie to give command, both to particular Presbyteries, and such other Ministers, Barones and Gentlemen, as shall be thought meet to convene, and consult upon the readiest remedies of the apparent dangers, so oft as they shall think expedient; and to re-

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An Act for
Fasts at the
beginning
of Assem-
blies.

A Fast.

1589.

A meeting
of some
chief Mi-
nisters.

Petitions.

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port their opinions and advices to his Majestie, betwixt this & the twenty day of *Januar*.

That it may please his Highness to forbear in time to come, to interpose his privie Letters or discharges to the Kirk, for staying of their proceeding with their censures against Papists, when as they cannot be reclaimed by lawful Admonitions.

That Commissions may be directed to some special Persons of his Highness Council, best affected, & of greatest power, to search, seek & apprehend, and presente to justice, all Jesuits, and other priyat or publick seducers of his Highness lieges; and that the said Commissioners may be instantly named, and a day appointed to report their diligence in that behalf.

That some special persons of the Ministrie, assisted with some well affected Barones or other Gentlemen, may be authorized with his Highness Commission & licence, to passe to every quarter of this Realme, & there by meanes that they finde meetest, try and explore what Noblemen, Burrowes, Barones, and others of any rank or calling, profess the true Religion, and will joyne eassoldly in the defence thereof; and who will not; and that a day be appointed in like manner for reporting their diligence.

That seing the special occasion of the Suspitions, conceived of his Highness sincerity to the Truth, and which animateth the Papists most, is his Authoritie & Service put in the hands of Papists, under whose wings all Jesuits, and others devoted to that superstitious Religion, finde countenance and comfort; that for remedie thereof, it would please his Majestie to purge his House, Council and Session, and to withdraw his power of Lieutenantie, Warrantie, and other his Authoritie whatsoever, from all and whatsoever Persons, avowed or suspected to be Papists, & to let proclamations immediatly be directed, for publication of his Highness good intention and meaning in that behalf, to the confusion of the Papists, and their Patrons; and comfort of the Godly, offended these times by past with the oversight and long tolleration of them.

These petitions were presented to the King and Council, and accepted. Thereafter Commissioners were nominated for every part of the Countrey to put in execution the things craved.

At the same time it was thought good, that some should be appointed to consult in privat, upon the best and readiest way for execution. Ten Noblemen, Lawyers and Burgesses, the Earle Marshal, the Master of Glames Treasurer, the Laird of Lochlevin, the Clerk of Register, Mr John Sharpe, Mr Thomas Craig, Mr John Nicolson, John Johnston of Elphinstoun, John Adamson; and ten of the Ministrie, to wit, Mr Andrew Melvine, Mr Robert Pont, Mr Robert Bruce, Mr David Lindsey, Mr Andrew Hay, Mr Patrick Galloway, Mr Nicol Dalgleish, Mr James Melvine, Mr Andrew Mill, met, and after long reasoning and advisement thought it most expedient and needful; First, that the said execution should be without delay, in respect of the imminent danger. Next, that for as much as there were three ranks of enemies; the first of chief maintainers of Papists & Papistrie; the second of Jesuits, seminarie Priests & traffickers; the third of allowers, receivers and entertainers of these in their houses, and partakers of their purposes and Idolatrie, it was thought meet, that the first sort should be charged toward; the second apprehended unawares, & punished; the

third

third proceeded against conforme to the Lawes of the Countrey, & being found culpable, to be punished accordingly. To the intent, that so weightie a matter might be solidly adviled upon, & set down in all points, the Clerk of Register *Mr Alexander Hay*, *Mr John Sharpe*, *Mr Thomas Craig*, and others were requested to consider at leasure, & every one severally to set down their judgement in write. Which being conferred together, conclusion was taken, and report made to his Majestie, whereupon proceeded the Acts, Proclamations and Commissions published not long after in printe.

At this Convention were appointed certain Commissioners and Brethren to meet every week, to consult upon affairs, pertaining to the well of the Kirk, in so dangerous a time viz. *Alexander Hay* Clerk of Register, *Mr John Lindsey* one of the Senators of the Colledge of justice, *Mr John Sharpe*, *Mr Thomas Craig*, *Mr John Skeen*, *Mr John Nicolson* Advocats; *William Little* Provost of Edinburgh, *John Johnston* of Elphinstoun, *John Adamson*, *Henrie Charters* Burgesies of Edinburgh; *Mr Robert Bruce*, *Mr David Lindsey*, *Mr Robert Pont* Ministers.

Some were appointed to travel with his Ma. for a proclamation, to let all his Subjects understand his Highness zeal & care, to purge the land of Popery, and to maintaine the true Religion; and to desire his Majestie of new againe, now in his perfect age, to subscribe the Confession of Faith, & to renew the charge given in his minoritie to all his Subjects, to subscribe the same of new again; which was also obtained, and the Confession of Faith was afterward printed, with blanks following for the names of the subscribers.

It was farther ordained, that all Commissioners, & Moderators of Presbyteries in all parts, should be careful for intelligence of all matters within their bounds concerning the state of Religion, and well of the Kirk; & to send advertisements from time to time to the foresaid Commissioners, appointed to convene weekly in Edinburgh.

It was thought necessary, that the Commissioners of Provinces, & every Minister within their bounds respective, informe all Gentlemen well affected to Religion, of the attempts of Papists, and dangers imminent, and of the libertie granted by the King and Council to convene, that so they may be moved to take commission from Synods, and not fail to keep the General Assemblie.

As concerning Jesuits, seminarie Priests, and other Seducers of the People, it was agreed, that at the next Synods the Ministers should be charged to declare out of the Pulpit, that they are Excommunicat, immediately after their return to their own Kirks, that the People may beware of them, & of such as favoure them, not intertain them in their houses, nor have any meddling with them; & that every Minister have their names enrolled to that effect.

Mr Andrew Melvine moderated at this Convention, *Mr James* his Nephew was Scribe

Upon the ninth of Februar, *Doctor Bancroft*, afterward Bishop of London, traduced, in a publick Sermon at *St Pauls Crosse*, that worthe Servant of God, *Mr Knox*, of blessed memorie, calling him a Man of nature, too contentious, and one of perverse behaviour; and all forsooth, because he agreed not to the Book of Common Prayer. He traduced likewise our Kirk and Ecclesiastical Government, grounding his calum-

Doctor Bancroft railing against the Kirk of Scotland, answered,

1588.

nies upon that Declaration, which was printed *Anno 1584.* and one *Robert Broun* a Ring-leader of the *Brounists*. This Sermon was printed, wherein he fathereth upon our King the penning of that Declaration, and charges him with inconstancie. It may be, saith he, that they will say, the King is of another minde, and that the Declaration was made, when he had conceived some displeasure against the Ministers. He answereth, *Ictus Piscator sapit*. It pleased the King, when this pamphlet came to his hand, to write in the margine of that part, *My Speaking, Writing and Actions were and are ever one, without any dissembling, or bearing up at any time, what ever I thought*. Ergo *Cast the Libell, Ne quid asperius*, JAMES REX. As for the Declaration, it was known, that *Mr Patrick Adamson* was the Author of it. As for *Robert Broun's* reports, he was a Male-content, because his opinions were not imbraced here, & himself was committed to ward, & there detained a night or two, till he was tried. *Mr Davidson* made a short Answer to the Calumnies of his Sermon, entituled, *Doctor Bancrofts Rashness in railing against the Church of Scotland*.

A con-
spiracie of
some Sco-
tish Lords
discovered

What just cause of fear the Ministers had of trafficking Papists to the subversion of Religion, did appear in the Moneth of *Februar*: For upon the seventeenth day of *Februar*, the King sitting with the Lords of Session, and at the point of rising, as the custom is, at the twelfth hour, a packat was presented to him, direct from the *Queen of England*, & the English Council, containing Letters intercepted, and found upon Colonel *Sempils* servant, called *Pringle*, directed by *Huntlie* and *Errol* to the Duke of *Parme*, and the King of *Spaine*; and by *Mr Robert Bruce*, seminarie Priest to the Duke of *Parme*, together with other Letters directed to others. The *Queen* in her Letter exposulateth with the King, for suffering of so many practices, which at the beginning might easily have been prevented, and with all giveth him advice to apprehend the Traffickers suddenly. The *English* Council writteth likewise to *Master Alshbie* Esquire, her Majesties Agent here, and directed him what convey he shall use in deliverie of the packat. The Letters which were in Ciphers was likewise sent to him, that it might be seen, the Letters were truly deciphered. They will him to use his best endeavour to stir up the King to take to heart these notable Conspiracies, and to use all good speed to the apprehending of them at one instant, as near as may be possible; and that being so apprehended, they be committed to more sure custodie, then it seemed either *Maxwel* or *Bruce* or others be; that the terrour of their strait imprisonment may terrifie their Faction and dependents, from attempting any thing to the disquiet of his Estate. They will him to remember his Majestie, that the sufferance of these Iesuits, as *Crichtoun*, & his Complices, is the root of these Conspiracies, & the continuance of the *Spaniards* so long in the Countrey; and therefore the sooner they be banished, and committed to the seas, the better it will be for him. They doubt not, but such as be found Counsellors and Religious, will by their Counsel, and their Forces assist the King, both in apprehension and imprisonment of the Principals, and in seasing on their writings, letters, and the money sent from the Duke of *Parme*, mentioned in their Letters: And afterward in proceeding against the Principal offenders by order of Law, to the rooting out of such corrupt members, so manifestly aiming at the subversion of the whole Estate of the Realme; & to the destruction, or captivity of the Kings own Person, as by the

Letters

Letters is most manifestly promised to be attempted.

Here follow the Letters, which were intercepted, both these which were printed afterward, & others not put in print.

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Their intercepted
Letters.

A Letter directed to the King of Spaine by three Noblemen of Scotland, the Earle of Huntlie, Mortoun alias Maxwel and Claud Hammiltoun, in name of the Catholick Noblemen in Scotland, deciphered out of the French, and translated in Scotish, which was intercepted in Januar, before the time of the roade of the bridge of Dee.

Sir, we cannot sufficiently expresse by speech, the great regrate we have conceived, being frustrated of the hope so long had to see (this year past) the desired effects fall out, which we attended, of your Majesties preparations; and our displeasure hath been so much the greater, that your armie naval should have passed by so neer us, unvisiting us, who expected the same with sufficient forces, for the peaceable receipt, and assisting thereof against all enemies, in such sort as it should have had no resistance in this Countrey; and with our report should have given enough ado to *England*; at least, if it had come here to refresh it self, it had preserved a number of vessels and men, which we know have perished neer our *Ishes*, and upon the coast of *Ireland*; and had discovered an incredible number of friends in full readines to have run the same fortune with it, in such sort as we dare well affirme, it should not have had half so many in *England*; for all that is spoken by the English Catholicks refuged there, who by emulation, or rather by an envy, extenuat over far our meanes to aide you, to magnifie their own only, and to make themselves to be esteemed able to do all, to advance themselves thereby in credite with your Majestie, and such as are about you. But the experience of this year past hath sufficiently testified, they have not shewed themselves in such number to assist your forces, as we have done: And therefore your *Maj.* As most wise, as you are, shall, if it please you, make such account of the one, as you neglect not the other, and so serve you with them both to the end you pretend, without hazarding your forces for the particular of the one or of the other. We remit to the declaration of some of your own subjects, that have been here, the commodities and advantage of landing in thir parts, where the expenses bestowed upon the equippage of one *galliasse* shall bring more fruit to your service; then you may have of ten upon the sea. And we may assure your Majestie, that having once six thousand men here with money, you may lift forces here in this Countrey, as freely as in *Spaine*, who will serve you no lesse faithfully, then your own naturall subjects. And albeit we cannot without blame of presumption, give your *Ma.* advice in your affairs there; alwayes in that, that may concerne your service here, we may speak more freely, as being upon the place, and knowing by ordinary experience many things, unknown to any of yours that are not here. The over late arrival of your armie in our waters, took from it the commoditie to retire it self in such safety, as it might have done, coming sooner, by reason of the great windes that are ordinar here, in harvest; as also lack of pilots experimented upon the coasts of *England*, *Scotland* and *Ireland*, appeareth to have bred great harme to the said armie, whereunto we could have remedied concerning *Scotland*, to have sent pilots from this,

if it

1589.

if it had liked your *Ma.* to have served your self with them. Likewise (saying better advice) it seemeth to us altogether unprofitable to fight the armie by sea, if it might be eschewed, for many causes: And among others, because such as shall have foughten by sea, shall be unable, being wearie, to fight againe by land against new forces. So the best should be to shift by one way or other, for spairing of your men and vessels. And so the English forces, staying upon the sea unfoughten, shall be disappointed, and shall not come in time to assist them that shall be assailed by land. *Attour*, sending here a part of your forces before the other, which should go the right way to *England*, and that secretly by the back of *Ireland*, your *Ma.* shall compel the enimie to divide their forces; and it may be, should cause them send the greatest part here, where you might make them believe, the greatest part of your forces were arrived; at least should cause them disgarnish as much of *England*, & draw a great part of their forces, which would resist your landing and invasion upon that coast. And we may well promise, that having here six thousand of your men, and money to lift others here, we should, within six weeks after their arrival, be well far in *England*, to approach and assist the forces, which your *Ma.* should cause enter there. The *Knight William Sempie Colonel* can shew your *Ma.* the whole, to whom we remit. As also we have caused write, both before and since his departure, our many such advices by *Mr Robert Bruce*, and caused address the same to my Lord *Duke of Parme*, to whom your *Ma.* remitted us from the beginning in these affairs. And seing we hope, your *Ma.* is duely advertised and informed, we will end the present, kissing most humbly your *Ma.* hand, praying God with all our affection, to grant you full accomplishment of all your holy enterprises. From *Edinburgh* this 24. of *Januar.* 1589.

Your Ma. most humble and affectioned Servitours

GEORGE Earle of Huntlie &c.

in name of the Lords Catholicks, in *Scotland.*

Another Letter directed from the Earle of Huntlie to the Duke of Parme.

My Lord. I have received from *John Chisholme* the Letters, it pleased your *H.* to write the 13. of *October*, full of most Christian affection to the well of our cause, for the which I give your *H.* most humble thanks. The support of ten thousand crownes, sent to that end, is received by *Mr Robert Bruce*, which shall not be employed, but for the help of the most urgent necessitie of the said cause, as it hath pleased your *H.* to direct. After the departure of *Colonel Sempil*, I have found my self so boasted on all hands, and pressed in such sort by our King, that it behoved me to yeeld to the extreme difficultie of the time, and to subscribe with his *Ma.* (not with my heart) the Confession of their Faith; or otherwayes I had been forced immediatly to have departed the Countrey, or to have taken the field for resisting his forces, or such as he might draw out of *England* for his aid; which I could not have done, specially then, when by the returning of your armie unto *Spaine*, all hope of help was taken from us. But if on the one part I have failed, by the apprehension of dangers that threatned my ruine, I shall on the other part endeavour my self to amend

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my fault (whereof I repent me with all my heart) by seen effect, tending to the well and advancement of the cause of God, who hath put me in such credite with his *Maj.* that since my coming to Court, he hath broken his former guards, and caused me establish others about his Person of my men; by the moyen of whom and their Captains, who are also mine, I may either be Master of his Person; & your support being arrived, spoil the hereticks of Authoritie, to fortifie and assure our enterprises. Whereupon I beseech your *Lordship* to send me your advice, & to assure your self of my unchangeable affection in my former resolutions, albeit the outward actions be forced to conforme themselves sometime to necessitie of occasions; as *Mr Robert Bruce* will more amplie write to your *H.* to whom I remit me farther, praying God, after I have most humbly kissed your *H.* hand, to give you accomplishment of your holy enterprises. From *Edinburgh*, the 24. of *Januar.* 1589.

Your most humble and affectioned Servitour

G. Earle of *Huntlie.*

A Letter from the Earle of Errol to the Duke of Parme.

My Lord, since God of late, by the clear light of his holy Catholick Faith, had chased from my understanding the darkness of ignorance and error, wherein I have been heretofore nourished, I have been as soon perswaded, in acknowledging so great an effect of His divine grace towards me, that I am chiefly obliged to procure (since I know the enterprises of his Catholick *Maj.* and your *H.* tend principally to that end, as also the advancement of some civil cause, which hath very great affinitie and conjunction with ours here;) that I must testifie by the present, the affection that I have to the well of the one & the other, having ever before my conversion been one of the number of your friends and servitours, for the respect of the last, to the which the first of Religion (which is the greatest and most important in the World) being joined; I am also become altogether yours. which I beseech most humbly your *H.* cause be signified to his *Maj. Catholick*; and to promise him in my behalf, that he hath not in this Countrey a more affectioned servant then I am, neither yet your *H.* as ye shall understand more amplie of my intention in particular by him, by whom your *H.* shall receive this present, to whom, after I have most humbly kissed your hand, I beseech the Creator to give the accomplishment of your holy desires. From *Edinburgh*, the 24 of *Januar* 1589.

Your Lo. humble and most affectioned Servitour

FRANCIS Earle of *Errol.*

A Letter from Robert Bruce to Monsieur Francis Aguirre Espaignol, &c.

Monsieur D'Aguirre, I have received your Letter of the ninth of *November*, written from *Antwerp*, whereby I was glade to understand of your arrival there, and health; and that you have guided your self so wisely in execution of all that I have committed to you. Your Master, who at my request hath given you intertainment, hath given me the like Testimonie of your behaviour, and hath promised unto me by his Let-

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1589.

ters to have you in the favourable commendation I desired, and to employ you in good occasions. If he send you here again in thir parts, cause set you on land near *Setoun*, where I pray you to enter secretly, and there you shall be kepted, while I may come and finde you &c.

A Letter from Robert Bruce to the Duke of Parme.

My Lord, Monsieur Chisbolme arrived in this Countrey four dayes after his departure from thence, and with requisite diligence came to the *Earle of Huntlie* in his own house in *Dumfermline*, where, having presented unto him your *H.* Letter of the 13. of *October*, he declared amplye to him the credite given him in Charge, conforme to the tenor of the Letters from your *H.* wherein they perceived your *H.* great humanitie, and affection to the advancement of the glorie of God in this Countrey, with other consolations, most convenient to moderat the dolour & displeasure conceived by the hearts of the Catholicks, by reason of the successe of your armie against their hope and expectation. Also some dayes thereafter, as the commodity offered to me to receive the money, the said *Chisbolm* delivered unto me six thousand three hundredth threescore & twely Crownes of the sun, and three thousand seven hundredth Spanish Pistols: And likewise hath carried himself in all his actions since very wisely, and as became a man of God; chiefly then, when, upon the suspicion conceived of this so sudden returning, the King sent to cause take him. I shall behave my self by the grace of God in the keeping, and distributing of the money last sent, and of that which resteth yet of the first summe, according to your *H.* prescription, and according as I ought to answer to God and Conscience, and to your *H.* in credite, and to the whole world in reputation of an honest man: And shall mannage it in such sort, that by the grace of God there shall be fruit drawn thereof pleasant to your *H.* It is true, that I finde my self (as all others would do, that would enterprife such a charge here) involved in great difficulties: For on the one part, I am in great danger of the Hereticks, and of them of the faction of *England*, by reason of the open profession that I make of the Catholick Religion, and of the suspicion that the last have of my secreet practices, and dealing against them: On the other part, I have much ado to moderat the appetite, that some Catholick Lords have, to have the money presently, for the hope which they give of some pretended occasions, which will never fall out as they promise. The *Earle of Huntlie* made instance to have the third part of the summe, which was sent here, as soon as it was delivered to me. But he hath not touched, nor shall touch hereafter a mailye, but upon good tokens. I have payed him in the meane time with inexpugnable reasons, wherewith in the end he is content. I beseech your *H.* by the first Letter, it shall please you to write to thir parts to the Catholick Lords, to remove an error from three, who have written in name of the remanent, that moyeth them to think, by reason they were the first that made offer of their service to the *Catholick King*, that all money, that cometh here, should be parted in three, and immediatly after the arrival thereof delivered to them, without giving part to others, which beside them are a great number addicted to the *King Catholick's* service, and yours; and as deliberat to hazard, after their power, for the advancement of this cause, as they are, of whom

the

the others will not depend in any sort in accepting of moyens, that come from your liberalitie; but acknowledge them as coming directly from your *H.* to whom only they will be bound and oblidge, and not to the other three. Of the which the Earle of *Mortoun*, alias *Maxwel*, hath hitherto contented himself with reason; as also the Earle of *Huntlie*, hath never shewed himself subject to money, but since he hath been induced by the third, to wit, my Lord *Claud Hammiltoun* his Uncle, who is somewhat covetous of geir, and thought under such pretext to make his profite. The said Earle of *Huntlie* is constrained to remaine at Court; he is fallen from his constancie in his outward profession of the Catholick Religion, partly for having lost all appearance of your support before the returning of the said *Chisholme*, because of his long stay there; Partly by the perswasion of some Politicks; Partly to eschew the perils imminent to all them that call themselves Catholicks; Partly to keep himself in favour of his King, who pressed him greatly to subscribe the Confession of the Hereticks, and to league with *England*. But for all this, his heart is no wayes alienated from our cause: For he hath the soule ever good, though he have not such vigour to persevere, and execute such thing as is requisite in so great an enterprise. But they may help these defects, putting beside him a man of credite to assist him, as we have advised to do, since the Baron of *Fentrie* is put in ward by the King, in the Town of *Dundie*; so that he dare not go out of the Ports thereof, under the paine of a great summe, while the occasion may be offered to depart the Countrey within the time limited: and I by the Kings commandment am discharged to come neer the said Earle; because they have attributed to the said Laird of *Fentrie* and me, his constancie in the Catholick Religion, and his absence from Court against the Kings will. His warding hath somewhat hindered our course, and permitteth me not to move him, as it hath pleased you to command me, and as I desire, to dispense the money conjunctly with me. So that for the supplying of the default of him, I have associat to the same end a very honest man, and very wise, called Father *William Crichtoun* Jesuit, who was detained some Years in the Tower of *London*, after he was taken upon the sea, coming towards this from *France*. Likewise I shall help my self by the prudence of Sir *James Chisholm*, eldest Brother to the said *John*, who brought the money from your *H.* for he is a man confident and wise, and one upon our part, & very little suspected. In the meane time, the one part of the money is in the principal house of my Lord *Levingstoun*, a very Catholick Lord; the other here in *Edinburgh* in great enough securitie, to help, as it shall need, the Catholick Lords, who will convene very soon here, to resist the designs of these of the faction of *England*, who in the same time are purposed to remaine at Court with forces, to range all things at their fantasie. As for the like summe or greater, which your *H.* willeth to cause follow the last sent here, it is good in all events, it were very soon sent hither secretly, to help the necessitie that may fall-out, and to cause things incline to our side, when they are in ballance; as there is great appearance they will be, by the occasion foresaid. And in case necessitie require no distribution, the said summes shall be kepted and reserved to better occasions, or while the arrival of your Forces in this *Isle*. There is suspicion, as also arguments probable enough, that *Thomas Tyrie*, who hath brought here your *Highbn.* Letters to our King, hath not behaved himself according to his dutie: For he hath accommodat him.

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self in his behaviour more after the affection of our Chancellour (who is of the faction of *England*, & abuseth the credite he hath with the King) nor according to the instructions given unto him there. He hath not presented, nor made mention to the King of *Colonel Sempils* Letter, whereof I have caused presente the Copie to his Majestie, by the *Earle of Bothwel*, as if it had been sent to him, with another of the said *Colonels* to himself, which he received from *Thomas Tyrie* at his arrival, who hath reported to the said Chancellour all that *Seigneur Don Bernandino* spoke to him in *Paris*, to the disadvantage of the said Chancellour. Also he hath reported to the King, that my Lord Bishop of *Dumblane*, being returned there, spake to your *H.* and to others, many things to the great prejudice of his *H.* and it is to be beleevved also, that he is the cause of the suspicion, which is conceived of the coming of the said *John Chisholme* newly to the said Bishop. However it be, the other reports foresaid, which he hath made, have not served to conciliate, but to alienate the affection of the King, of the Chancellour, & of many other Hereticks, from the said *Seigneur Don Bernandino*, the said Bishop and Catholicks here, that have ado with him. As for me, albeit I speak not willingly to the disadvantage of any whatsoever, chiefly of them, whom I have recommended, as I have the said *Thomas Tyrie* to the said *Don Bernandino*; yet I will preferre the love of the truth to men, and would not in concealing thereof bring prejudice to the publick well, nor to the fidelity that one ought to others, and specially to that we ought all to the King of *Spaine*, and to your *H.* to whom I am presently servant, particularly addicted by the obligation of five hundred Crownes of fee, and fourtie for monethly entertainment, which it hath pleased your *H.* freely to give me, in name of the King of *Spaine*, unbeing required for my part, no other thing for my particular to this present, by reason whereof I am the more bound to give your *H.* most humble thanks, and to endeavour my self to deserve by most humble and faithful service, as well the said entertainment, as the recompence it hath pleased your *H.* to promise me of your grace and favour. The said gift of your liberality came to me well to the purpose, seeing, by reason of the danger of my person, it behoved me to augment my ordinarie traine for my greater securitie, which I was not able longer to have borne out without help: For from all the Lords of *Scotland*, I have not retained, but a part only of the money, which I spent travelling for the well of this cause, in *Spaine* with his *Maj. Catholick*, and with your *H.* in the *Low Countreyes*. As for the four hundred Crownes, imployed for deliverance of *Colonel Sempil* out of Prison, I have put it in compt with the remanent, which I debursed of the first Summe, according as it hath pleased your *H.* to command me. The *Earle of Mortoun*, alias *Lord Maxwell*, to whom I have given consolation by writ in Prison, hath instantly prayed me also in writ, to remember his most affectioned service to your *Highness*, finding himself greatly honoured with the care it pleased you to have of him. By the grace of God he is no more in danger of his life by way of Justice, it not being possible to his enemies to prove against him any thing, which they had supposed in his accusation; as also the Kings affection not so far alienated from him, as it hath been heretofore; and in case they would annoy him, or that it were presently requisite for the well of our cause to deliver him, we have ever moyen to get him out of Prison, and abide nought in the meane time, but the Kings

will

will towards his libertie; only to avoid all persute, that they would make, if we delivered him extraordinarily. When they offered him in the Kings name his libertie, if he would subscribe the Confession of the Hereticks Faith: He answered, he would not do it for the Kings Crown, nor for an hundred thousand Lives, if he had them to lose; and hath offered to confound the Ministers by publick disputation: I shall sollicite the Lords his Friends, to procure of the King his libertie very soon: for he importeth the well of our cause more then any of the rest, by reason of his forces, which are neer *England*, and the principal Town of *Scotland*, and the ordinar Residence of our King; as also he is the Lord most resolute, constant, and of greatest execution of any of the Catholics. It was no small marvel, considering the moyen the Hereticks have to harm us, and their worldly wit so far passing ours, and their evil will and intention against us, that we subsist. Truly we cannot but attribute the effect thereof to God, who (then when the certain newes of the returning of the armie of *Spaine*, by the back of *Ireland*, were dispersed through this Countrey, and the Hereticks of the faction of *England* triumphed, and the constancie in the outward profession of the Earle of *Huntlie* and others was brangled) caused the Earle of *Angusto* die, who was Chief of the *English* faction, and the self same time suscitat some dissention among the Hereticks, by reason of some offices that some pretended to usurpe above others at Court; and by the instant prayers, and holy perswasions of two Fathers Jesuits, converted to our holy faith two Hereticks, Earles of the first Authoritie & Power among them; the one whereof is called the Earle of *Errol* Constable of *Scotland*, converted by Father *Edmond Hay*; the other called the Earle of *Craufurd*, converted by the said Father *William Crichtoun*. They are both able and wise young Lords, and most desirous to advance the Catholick Faith, and your enterprises in this *Isle*, which they are deliberat to restitue to his Maj. Catholick, and your Highness, by their own Letters, which by the grace of God I shall send with the first commoditie. In the meane time, they have required me to make you offer of their most humble and most affectioned service; promising to follow whatsoever the said Jesuits, and I shall think good to be done for the conservation of the Catholics; and to dispose, and facilitate the execution of your enterprises here, which they may do more easily, not they that are known to be Catholics, whose actions are ever suspicious to Hereticks for their Religion; whereof the two Earles have not yet made outward profession; but in that, as in the rest, they submit themselves to our will, and to that we finde most expedient. The said Fathers of that company make great fruit in *Scotland*; and so soon as a Lord, or other person of importance, is converted by them, they dispose and incline in the very meane time their affection to the service of the King of *Spain*, & your H. as a thing unseparablie conjoined with the advancement of true Religion within this Countrey. If I had commandment of your H. I would give them some almes in your name, to help them & eight others, whereof four are also Jesuits, and others are seminarie Priests of *Pontarmonsson* in *Lorraine*, which are all the Ecclesiasticks, which produce so great spiritual fruit in *Scotland*, and acquire to you here such augmentation of your Friends and Servants. After the parting of Colonel *Sempil* from this, the Lords sent Letters with the said Father *Crichtoun*, and

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other Gentlemen, after the armie of *Spaine*, to cause it land in this Countrey. But it had taken the way to *Spaine* few dayes before their arrival at the *Isles*, where it had refreshed the self. So that it was nor possible for them to attend on it. They of this Countrey, that are of the faction of *England*, were in a marvellous fear, during the incertitude of the landing of the said armie, and confessed plainly, if it had landed here, they had been alluterly wracked. The Earle *Bothwel*, who is Admiral of *Scotland*, and as galzart a Lord as any is in the Countrey, albeit he make profession of the new Religion, yet is he extreemly desirous to assist you against *England*, having lifted and entertained all this summer (under pretext to go danton the *Isles*) some troupes of men of war, which together with his forces ordinaire should have joined with yours, if they had come here. He suffereth himself peaceably to be guided by me, notwithstanding of the diversitie of our Religion; and hath oftentimes said, that if the *Catholicks* would give him surety to possesse, after the restitution of the Catholick Religion, two Abbayes which he hath; that he should be even presently one of ours. He intendeth to send *Colonel Halkersfoun* to accompany certain Captains and Gentlemen to *Spaine*, and almost four hundreth souldiers, all safe from the naufrage in our *Isles*. And because they are in great necessitie, he is purposed to accomode them with ships, victual, and other things necessarie, to testifie thereby to the King of *Spaine* the affection, he hath to do him most humble and affectioned service. And if we think it good, he hath offered himself to go out of the Countrey, and to go offer himself to your *H.* in the *Low Countreyes*; and by your advice thereafter to do the like to his *Ma. Catholick* in *Spaine*. But we shall advise upon the most expedient. If we may alwayes be assured of him, he will be as profitable for the well of our cause, as any Lord in *Scotland*: for he hath great dependence about this town, which is the principal of *Scotland*; as also upon the frontiers of *England*. He hath offered to maintain and defend me against all that would attempt against me. We have chosen for every Catholick Lord, a Gentleman of the wisest and faithfulest Catholicks, and beloved of their friends, to serve them of a Council, and to conveyen at all occasions to resolve upon the most expedient that may concerne the well of our cause, according to the will and intention of their Lords, who have obliged themselves to approve and execute their resolutions, and no wayes to contraveen the same. And by that moeyen we hope to proceed with greater soliditie and effect, then we have done heretofore. Alwayes they shall know nothing of our intelligences there, nor of our final intentions; but according to the exigence of the affairs, which shall be in hand; and that superficially, and without discovering our selves too far. Your *H.* shall understand by the particular Letters of the Lords, that which resteth to be said to you by these presents: By reason whereof I will make an end, most humbly kissing your *H.* hand, and praying God to give you all the good hopes and felicitie you desire. From *Edinburgh*, the 24 of *Januar* 1589.

Your *H.* most humble and affectioned Servitour

Robert Bruce.

Beside

Beside these Letters which are extant in print, here followeth another Letter not extant in print, and explained in the Parenthesis.

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A Letter from Robert Bruce to Colonel Sempil.

Since the receipt of your Letter from *John Jameson* (*John Chisholme*) I wrote to you at such length, as the shortness of time suffered me, and sent my answer by one called *John Abercrombie*, who departed hence in the bark, wherein *Thomas Tyrie* arrived. I prayed you to excuse me, that I might not write then to our miller; (*the Duke of Parme*); & in the meane time signified unto you, how I had received from the said *Jameson* (*Chisholme*) bearer, six chalders, two bolls and threescore twelve leipies of french stuffe, (six thousand, two hundredth seventy two French Crownes) and three chalders and seven bolls of Spanish victuals, (three thousand, seven hundredth Spanish Pistols) comprehending the four boles, which you have received; of the which altogether I have given him a discharge, and have answered to our miller (*the Duke of Parme*) touching your four bolls (four hundredth Crownes) as ye willed me both by your Letter to me, and by direction given to *John* your man. And as for the other two bolls, (200.) which I had charge to receive of your sister, I never as yet made mention of them to her; but abode your own will therein, as I promised, conform to your desire, which I shall obey, als at this present concerning this matter; and shall be likewise readie in time coming to do whatsoever you will lay to my charge, for your well and contentment; for to keep inviolably the mutual correspondence, friendship and brotherly love, which I ought unto you, who hath begun already so faithfully with me, that I fear I shall never be able to requite with the like pleasures in due estimation. Alwayes my true affection shall never be inferior to my dutie toward you, of whom I understand the five bolls (500 Crownes) allowed to me, and some intertainment monethly, which is coming to me in due season: for in respect of so many imminent dangers as threaten travellers, I have been forced to augment the number of my mariners, (servants) which I could not goodly have sustained without that help, which beareth more then the half of my ordinarie charges. If you think expedient, you may procure encrease thereof at our Land-lords (*the King of Spaines*) hands, when you go to him: as also that I may have the charge and commandment of the like to it we spake of at our last here being, when as it shall be time to begin our trade (enterprise). In the mean time I pray you to advertise me of your will in all things, which I shall follow precisely, together with the prescriptions already sent by our miller (*the Duke of Parme*). And because I may not my self deal with every one of our partners, (confederats) whose number is encreased, as you will understand by our Letters sent to our miller (*the Duke of Parme*) by the advice of *Davidson*, (*Crichton*) and of the men, (*Jesuits*) unto whom you granted once before your departing a boll of victual (100 Crownes) to help their urgent necessitie. We have appointed to every one of them a factor, (Counsellor) who shall convene ordinarily for to resolve, what shall be best to be done at every occasion, that may be presented. And to their factors (Counsellors) good advices are all our partners (confederats) bound, in the forme of their traffick (practices) and proceedings. So that now we may say, we have a more assured way to profite, then

ever

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ever we had, and I hope that of the same, you shall understand shortly some good fruit to ensue, to your contentment: for the number and good will of our partners (confederats) increaseth daily, and occasions are offered to profite: At these, which only, and at these chiefly, which cannot be omitted, I shall expose our victual to be sold, (distribute our money) which if you pleased to cause augment, as you have written, it were for the best: For things may so fall out, that we may obtaine the whole trade of this Countrey in our hand; (draw the whole Government in our hands, by possessing the Kings Person) which we will not be able to intertain, without greater abundance of merchandise, (treasure) whereof there shall never knowledge be had through me; but when I must bring it to the market to sell it (distribute or imploy it). The pilot (the Earle of Huntlie) knowing of this last victual by our millers (the Duke of Parm's) Letters, and the bearers report, made great instance to have the third thereof delivered incontinent in his hand: But I have payed him only with reasons, whereunto he could no wayes resist. For he for his particular was in no necessitie, having an ease by his subscription, against his promise made to us, and by us in his name unto others. And as for the well of our trade (enterprises) there was then no occasion serving thereunto, nor wherein he might profite, being in the state, whereunto he had reduced himself. Therefore if he would not effectuate something of himself, to recover his good name, defiled by his last misbehaviour, I could not credite him of victual, (money) except I would let it appear, that I betrayed my Master, giving his goods for no effect, and to them that kepted not touches unto him. Truth it is, that being so long without word after your departing, he was almost despaired of good successe, hearing together so many things reported to our disadvantage, & being pressed extraordinarily by his Master, (the King of Scots) and together being induced by some mens evil perswasions, he stood not therefore by his promise. Alvvayes he repenteth himself greatly now, and seeketh to amend faults by some desired effect. Your man hath not remained in his house, but upon his ovyen charges, for such causes as he can shevv you; and specially, because the pilot (the Earle of Huntlie) feared to bring himself in suspicion. John Jameson (Chisholme) hath behaved himself very honestly in all his proceedings. But Thomas Tyrie hath not done his duty to you; for he never did inquire for me, after his herecoming. And when I sent Mr Edward Foster unto him, to know if he pleased to speak with me, he shewed he had nothing to me, but commendations to friends. But this is little or nothing, if he had not omitted to present Innocent's (Colonel Sempil's) Letter, for the pleasure of his Competitor, (the Chancellour) who hath caused his Master (the King) write to Innocent's (Colonel Sempil's) disadvantage, knowing nothing of his good will towards him by his Letter, whereof Ducher (Robert Bruce) caused present a Copie by our neighbour (the Earle Bothwel) unto his Master, (the King of Scots) who liked very well thereof; and shewed, that he had never heard of it, before he had directed and sent away an answer to the other. I wrote to the said Thomas, to know how he had proceeded, and received of him the answer herewith inclosed, whereby you will perceive the shifts. I have not seen your servant John, since his here coming; because he hath been ever sensine in the west, and I fear, that his ship shall depart, before that we may hear from him. I trust you shall understand of him, when he

shall

shall be readie to go, of something that shall fall out to the well of our trade (enterprise) ere then. Touching our directions there, I shall do as you have ordained, as likewise in all the rest; wishing of God a good successe in our adoes, both here and there; and to you in particular all the prosperitie you desire. From my residence in *Leith*, this 24. of Januar, 1589.

Pitiful and most sorrowful are the newes, that are come here through *England*, of the Duke of *Guise* his manner of death, wherewith we are all greatly dejected, for sundrie considerations. God of his goodnesse have mercie on us, and send us some consolation for so great displeasure. Our Souveraign hath lost the best friend he hath in the World.

Your loving Brother at command

Glenkelvin.

The Copie of Thomas Tyrie's Letter, which was inclosed in the Letter preceeding.

Right honorable Sir, after my dutie remembred, it will please you: wit I have received your Letter this saturday afternoon at *Brughie*, whereby I understand, that you have been desirous to have conferred with me since my arrival. It is true, that I have been, and am, earnest to speak with you, if your affairs will suffer. *Mr Edward Foster* required of me once, if I had any Letter for you; but spake no further to me. As to the successe of my particular affairs, by your address and recommendation, it hath been, I thank God, indifferent; wherefore I am yet obliged to your goodwill, which I shall carrie a good minde to acquite, when ever occasion shall serve. As to the Estate of our friends in *France*, & where I came from last, it is in the old manner, and as you would wish; but that I have any thing to communicate to you from them, truly I have none, save that *Colonel Sempil* desired me, if I saw you, to require your counsel, whether it should be needful or not, to crave an obligation from the Earle *Bothwell* of the thousand Crownes, the *Colonel* lent to the said Earle at his here being. I have dealt with the Earle *Bothwell* in that matter, who promiseth to give me the obligation, when it shall please me, and in what forme I like. As to the Letters I brought to his *Ma.* he hath very thankfully received his own Letters, & is glad thereby to understand his goodwill towards him. And by my earnest dealing with the King before my coming from *Edinburgh*, I have procured his *Ma.* answer thereunto, and have dispatched the same to the Law persewers, before I departed from *Leith*. To *Colonel Sempil's* own Letter, I have shewed the Kings *Ma.* thereof, but have not yet delivered the same; because the King maketh difficultie to receive the said Letter, in respect, as he alledgeth, of the *Colonels* misbehaviour at his here being. But I beleieve, he shall be shortly better minded towards the said *Colonel*: For his *Ma.* seemeth to be well contented, that the correspondence should increase berwixt him and the Duke of *Parma*, unto whom he promiseth to give mutual satisfaction in all things he can crave at his hand. The King hath promised, at my overcoming again, which shall be shortly, to receive the *Colonel's* Letter. I will do no lesse for the said *Colonel*, nor lyeth in me. Beleieve Sir, for this answer shall satisfie you: For truly I can write no farther, nor is abovementioned, to the answer of your Letter. But if I might see you, I would speak more freely of all things then I can write. Alwayes I remit this to your wisdom. If any thing lye

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By yours to be commanded with service.

Tyrie

Huntlie
warded &
set at liber-
ty.

There were present with the King in the meane time, when the packar was delivered by Master *Asbbie*, the Earle of *Huntlie*, *Errol*, *Bothwel*, *Mortoun*, *Angus*, who lately was invested in the Earledome, after that he had agreed vwith the King for fourtie thousand merks, *Marre*, the Master of *Glames*, the Master of *Lindsey*, & sundrie others. These Letters being read in Councel, and in presence of the Earle of *Huntlie*, he offered to enter in what ward his *Ma.* pleased, till he were tried. The place of warding being at his own choice, he chused the Castle of *Edinburgh*, *Coldenknowes*, Captain of the Castle, was appointed to convey him to his ward. When he was above the tolbooth, his friends accused him of feebleness and negligence, in not stirring his time, when he might. The Captain perceiving him to linger, asked whether he would obey or not, being minded to advertise the King, in case he refused to enter. He yeelded, and went forward. *Errol* went not so far, but taking his leave, went to some secret house a part from his domesticks; and the report was spread by some, that he had gone over the walles of the Town. The Bailiffe of *Errol* did the like. The day following the King & Chancellour *Maitlane*, went up to the Castle, & dined with *Huntlie*. *Claud Hammiltoun* was summoned to compear before the Councel upon six dayes warning. *Huntlie* was set at libertie, & came down the street, accompanied with his friends about two hundreth men; and at that same hour Lord *Claud* entered in the Castle, before *Huntlie* came forth. The Duke, the Prior of *Blantire*, accompanied with some horsemen, were sent to the *Callender*, to search for the Spanish gold, which was thought to be there, it being my Lord *Levingstoun's* principal house, as was designed in the Letters; but they returned without it. *Huntlie*, being set at libertie, was loath to returne to his own Countrey, according to his promise; till the King, stirred up by some Noblemen fearing danger, urged him. He, seeing no other remedie, caused prepare a banquet to the King and the Nobilitie, in *Jonet Folkarts* house, that after dinner they might sunder with lesse suspicion of variance. The King went out to the hunting with *Huntlie*, where it was said, he met with *Errol* also in the fields. *Huntlie* was informed, that the Town was in armes, which was not so indeed; only the Provost caused give warning to the Citizens, to have their armour & weapons in their booths and shops, ready for whatsoever adventure: Because he had heard, that there was variance among the Nobilitie. Yet *Huntlie* for fear would not venture to reenter in the Town. So the King returned to the prepared dinner, without *Huntlie* his host, who invited him.

Thebridge
of Dee.

After *Huntlies* departure, sundrie reports arose of the conveneing of his faction, which proved true in the beginning of *April*. The Master of *Glames* advertised the Chancellour, that *Huntlie*, and his Com-

plices,

plices, were assembled in *Brechen*, and purposed to come to *Edinburgh* with his whole forces. The King passing his time at *Hattoun*, after he was advertised by the Chancellour, came in to *Edinburgh* in all haste upon the fift of *April*, about two hours in the morning, and lay down to sleep in the Chancellours Lodging. The Earle *Bothuel* came to *Dalkeith* upon the sixt of *April*, accompanied with a number of border-men, where he stayed two nights. It was reported afterward, that *Bothuel* and *Montrose*, who were come to *Halyards*, should have taken the King, vvhile he vvas passing his time at *Hattoun*, if he had not come in, in time. The Lieges on this side of *Forth* vvere charged to repara to the King in fear of vvar, vvith all diligence. *Bothuel* offered himself in the Kings vvill, for any offence could be laid to his charge, and to come to any place his *Maj.* would appoint for that effect, except where Chancellour *Maitlane* was. He offered to accuse him of some points of treason; but the King refused to give him audience. *Huntlie*, *Errol* and *Crawfurde* were gathering their forces in the meane time, in the North. They besieged the Master of *Glames* in his own house, who rendered to them upon condition. The King entreth in his journey upon the ninth of *April*, & went to *Linlithgow*, from thence to *Stirling*, from *Stirling* to *Perth*, his Forces still increasing; from *Perth* to *Dundie*; accompanied with two thousand Men or thereby; and from thence to *Brechen*, & the day after to *Cowie*, his number decreasing. When he came to *Cowie*, the Earles *Huntlie*, *Crawfurd* and *Errol* came from *Aberdeen* to the Bridge of *Dee*, accompanied with three thousand Men. The King was scarce accompanied with a thousand; yet fear sealed upon the most part of *Huntlies* faction, when they heard the King was in the fields. Many of the Barons of the North left them, some of them came to the King between *Cowie* and *Aberdeen*. *Huntlie* had made many to believe, that he had a commission for gathering of his Forces. Upon the twenty of *April* the King came to *Aberdeen*, where he stayed three or four dayes. The second day, the Master of *Glames* was sent to him from *Auchindown*, where he and other five or six had been kept Prisoners. The King purposeth to go forward: But when he came to the *Terrisoule*, *Huntlie* came in to the King; and was committed to *Carmichel*, and Captain *William Home*, without getting presence. When the King returned to *Aberdeen*, *Malcomstosh*, *Grant* and other Barons in the North were moved by the King and Council, to subscribe a band of obedience in time coming. The King returneth to *Edinburgh* in the beginning of *May*, and *Huntlie* was warded in *Robert Gourlayes* house. Sundrie talk of some Mysteries in this Roade, called the Roade of the Bridge of *Dee*, which were not known to many, nor have I learned the particulars; and therefore referre the Reader to farther enquire. Upon the twenty of *May*, *Crawfurde* came to *Edinburgh*, and was warded in his own Lodging. He alledged, that *Huntlie* pretended a commission for gathering his Forces; and that when he understood the contrare, he left them.

When the King was in the North, *Bothuel* was passing his time in the *Cannongate*, *Edinburgh*, *Leith*, *Dalkeith*; and his Border-men at *Dalkeith* for the most part living most dissolutely. Upon the elevent of *May*, by moeyen he got presence of the King in the garden, where he humbled himself upon his knees; the King gave him no answer, but committed him to *William Home*, Captain of the Guard.

Bothuel
Committed
to the Cap-
tain of the
Guard.

1589:

Huntlie,
Bothwel &
Crawfurde
warded.

Our Jus-
tice Courts
in the
North.

The mar-
riage of
the King
and Queen
Anne ac-
complish-
ed.

The rebel
Earles set
at libertie.

A moti-
on in the
the Synod
of Lothian
concern-
ing the
trafficking
Earles.

The King
embarketh
for Nor-
way.

Huntlie and *Crawfurde* were called before the King and States, con-
vened about the 20 of *May*. *Huntlies* Examination was referred to
the King and four or five of the Councel. *Crawfurde* was examined pub-
lickly before the Councel. Some were directed to examine *Bothwel*.
He denied any attempt against the King, or Religion; professed, and
alledged that he gathered Forces, but only for particular quarrels be-
twixt him & the Chancellour. In respect of their denial, it was thought
meet they should be put to the trial of an Assise. Upon the twenty fourth
of *May*, they were conveyed out of their wards to the Tolbooth of *Edin-
burgh*, and there accused of sundrie points of treason. *Huntlie* came in
the Kings will for all things laid to his charge. The other two were put
to the knowledge of an Assise. *Bothwel* was convicted for convening
with certain Noblemen, at the quarrie-holes betwixt *Leith* & *Edinburgh*,
for devising enterprises, tending to the alteration of the present Estate of
King and Countrey. *Crawfurde* was convicted for the same convention
at the Quarrie-holes; for raising fire & besieging the Master of *Glamis*
in the House of *Kirkhil*; for coming against his Maj. vvith displayed
banner betwixt *Aberdeen* and *Cowie*. The King ordained them to be
conveyed to their vwards; out of vvhich, it was ordained, they should
be transported soon after: *Bothwel* to *Tentallon*, to be kept there by
Captain *William Home*: and *Huntlie* the day following, to be vvarded
in *Borthwick Castle*: *Crawfurde* in the Castle of *St Andrews*.

About the end of *June* the King rideth to the North, to hold Justice
Courts, and to fine such as had been at the bridge of *Dee*, vvho as yet
had not been ordered. Upon the second of *July* he deputed certain Lords
Compositors and Judges, to sit down, and hold Courts in that Burgh:
From thence he vvent to *Cromartie* to hunt, and returned to *Aberdeen*
the 21. of *July*.

Upon the eighteen of *June*, the Earle *Marschel* embarked at *Leith* to
sail to *Denmark*, to accomplish the marriage betwixt the King, & Queen
Anne.

Upon the twelfth of *September*, John Lord *Maxwel* was released out
of ward out of the Castle of *Edinburgh*, to attend upon the arriving of the
Queen. Upon the same pretence the rest of the Earles were set at libertie
about the same time.

In the Synod of *Lothian*, convened about the midst of *September*, it
was thought good by many of the Ministrie, that the King should be desir-
ed, to urge the Act of Councel to be execute, touching the publick repen-
tance of the rebel Earles. But upon farther consideration, and in the
judgement of others, it was thought but an idle thing, in respect of the
lenity that was used, to crave any such thing, and that it would turn to
plaine mockerie.

The King was advertised upon the second of *October*, that the Queen's fleet
was forced to land in *Norway*. Whereupon the King embarked at *Leith*
upon the 12. of *October*, at nine hours at night, accompanied with Chan-
cellour *Maitlan*, Mr *Alexander Lindsay*, Lord *Spynie*, Sir *William Keith*,
the justice Clerk, the Provost of *Glencluden*, the Laird of *Barbarrach*,
the Laird of *Carmichael*, Mr *John Skeen*, and sundrie
Barons, and Gentlemen, to the number of three hundred Persons. At
his departure, he willed Mr *Robert Bruce* to be acquaint with the affairs
of the Countrey, and proceedings of the Councel; professing that he
reposed more upon him, and the rest of the Ministrie, then upon all

his

his Nobles. He was not disappointed; for they did their endeavour: And the Countrey was never in greater peace, then during his absence; whereas before, few moneths or weeks past without slaughter and bloodshed.

The day after he embarked, the cause of his departure was published at the market crosse of *Edinburgh*; the Chancellour and others, that were in his company, were purged of all intisement, & the Governours, whom he had appointed to rule in his absence, were nominated.

In the time of the Kings absence, *Bothwell* offered to *Mr Robert Bruce* and *Mr Robert Rollock*, to make his publick repentance. So upon the sabbath day the 9. of *November*, he humbled himself on his knees in the East Kirk beforenoon, and in the Great Kirk afternoon, he confessed with tears his dissolute and licentious life, and promised to prove another man in time to come. But soon after he brake forth in grosse enormities.

The King was married vwith great solemnitie and triumph, upon the 24 of *November* at *Upslaw* in *Norway*.

Upon Monday the first of *Januar*, there vvas a great fear of surprising *Edinburgh* in the night by the Papists, vwho vvhere thought to be in the Town vwith their Friends very frequent. The repair of *Crawfurde*, *Claud Hammiltoun*, the *Setouns*, and others evil affected to the Religion, and the sight of many uncooth faces, augmented the fear, which was farther augmented by a report, that some Spaniards were to be sent from the *Duke of Parme* to *Leith*. The *Duke* and *Bothwell* finde fault with the citizens of *Edinburgh* for bearing their swords. But it was answered by the Provost and Bailiffes, and their Ministers, that they did nothing, but according to their privileges. It was reported, that one of *Aberdeen* had carried Letters to the *Duke of Parma*, directed from sundrie Noblemen, and had brought his answer again.

Upon the 27. of *Januar* sundrie of the Ministrie, Assembling at *Edinburgh*, agreed, that a common Letter should be sent to the King, to deplore the Estate of the Kirk. Item, that some of their number be sent to the Councel with some petitions; specially to crave; that Commission be given to some to concur with some of the Ministrie, to try who will concur by subscription, for the maintenance of Religion, the Countrey and the Kings Authority, according to the order taken before by the King and Councel, when the invasion of the Spaniards was feared.

Master John Davidstone, at the desire of some Brethren, penned a prolix, but pithy Letter, to be directed to the *Queen of England*, containing an Apologie for our Kirk, against the Calumnies of *Doctor Bancroft*, uttered in sermon, the first sabbath day after the beginning of the English Parliament, and after published in print. But it was not sent, nor delivered, as was intended; and therefore I have omitted it.

John Nortoun, Englishman, and Stationer, dwelling in *Edinburgh*, his Letter to *Doctor Bancroft*, vvherein he thanked him for his bountyfulness, vvas intercepted. He vvas examined upon the 12. of *Februar*, vvhen he vvas readie to take journey toward *England*, by *Mr Robert Bruce* and some others of the Ministrie. He confessed with tears, that he was set on work by his Uncle, old *Nortoun*, at the request of *Doctor Bancroft*, upon promise of some commodities in his trade; and

1589.

Governours appointed in the Kings absence.

Bothwell his repentance.

The King married.

1590.

Fear of conspiracie.

Petitions to the King and Councel.

Mr John Davidstone's Letter to the Queen of England.

John Nortoun examined.

1590.

exhibited to them some questions, whereof the Doctor craved information.

Bancrofts questions.

1. Considering the Kings edict 1584. how it came to passe, that the Bishops were so soon overthrown again, & the Presbyteries so soon re-established; and of the circumstances of that action?
2. How many Presbyteries there be in *Scotland* erected? Whether there be one in every Parish, according to their old distinction of Parishes? or if they have made a new distinction of them, how many Parishes generally they have put into one? And whether every such Parish or Presbytery have a preaching Pastor, and a catechizing Doctor?
3. How many elders are generally in every Presbytery? and whether they be such men, and so qualified, as *S. Paul. 1. Timo. 3.* required a Bishop to be qualified? Likewise, how many Deacons there are, and whether they be qualified in every respect, like unto *S. Paul's Deacons 1. Timo.?*
4. If no Ministers be allowed of, but such as be Preachers, and that some Parishes have therefore none at all, what becometh of the People in such Parishes as are destituted? Who Christeneth their Children? What prescript form of publick prayer have they, as well in the week dayes, as upon the Sundayes?
5. If many Parishes, as too far, are become one; what is done with the old Churches of the former Parishes? How far thereby are men constrained to come to their Presbytery - Church? How oft in the week are people bound to come thither; and how are the Churches kepted in reparation generally through the Countrey?
6. Whether have they in their Consistories any set jurisdiction? Whether the King be exempted from their Censures? By what Authoritie do they command any man to compear before them? If one, for examples sake, be complained of for Adulterie, or any other the like offence, and to deny the same, by what course of Law do they proceed against him? whether do they examine witnesses upon their oathes against the supposed offender? Or whether do they inflict their Censures upon a bare relation, without the oath of such as be accusers? Or whether are not such offenders first convicted by witnesses before the civil Magistrate, and then, after they have sustained such punishment, as the Law of the Realme doth lay upon them, are they returned to the Ecclesiastical Censures?
7. If this last course mentioned be observed, and if the partie so punished by the Lawes of the Realme, do shew himself thereby very penitent, whether do the Consistories proceed against such a Person any further by their Censures?
8. If any man suppose himself to be injured by any Presbyterial Consistorie, whether he may appeal, and vvither? And vvwhether have every Presbytery an absolute jurisdiction, so as in the causes they deal vvith all, there lyeth no appeal from them?
9. What manner of causes be they, vvherevvithall the Consistorians do meddle? Whether they do keep the old distinction of Ecclesiastical and Civil causes, and so deal vvith the Ecclesiastical only? Or vvwhether do they not account all the causes of the Kingdom, being a Christian Kingdom, to be Ecclesiastical; and so intrude themselves to

be dealers

be dealers and directors, as well in Temporal causes as Ecclesiastical? 1590.

Whether is all the Canon Law abrogated? If it be not, what Lawes & Constitutions have the Presbyteries to proceed by? Or whether have they none at all, but that every Consistorie doth proceed according to their own Consciences led, as every one may say, by the Word of God? 10.

How do the Ministers and Elders agree in every Consistorie: and whether do they proceed in such cases, as do come before them, by number of most voices? 11.

What place have the Ministers and Consistorial Elders there in Parliament? Whether have they voices in all kinde of causes, or in Ecclesiastical only? Or whether have the Laitie, in such Assemblies, any thing to deal with matters of the Church, otherwise then to confirme these things, (without question making, or further disputation) which the Minister and Elders do determine? 12.

Whether have they any set Assemblies, termed Conferences; and how many Presbyteries do appertain to every such Conference? Whether the old distinction of Bishops Diocies be not retained? And whether the whole land, in respect of the Church Government, be not distinguished in Provinces? If it be, whether have they not Provincial Synods? If they have, how many Conferences are bound to appear in that Synod? If they have neither of these Synods or meetings; what kinde of Synods or meetings have they? Who doth summon them, and by what Authoritie are they summoned? 13.

If they have certain set Synods &c. appointed by Law; then if the Ministers and Elders do think meet to Assemble themselves extraordinarily, whether may they do so, or not? By whose commandment do they so Assemble? And who doth give particular notice thereof to every several man? 14.

If the Governours of any Particular Presbytery do think this or that to be expedient for the Congregation, committed to their Charge, which is not already concluded by any former and greater Authoritie, whether may they by their own Authoritie appoint and command the same? 15.

Upon any occasion, which there shall fall out, of the meetings of the Ministers and Elders, whether in Conferences, Provincial Synods, or howsoever, by what Authoritie do they command these things to be generally observed, which there they do conclude and determine? If by the Kings; then whether hath his *Maj.* a negative voice therein? If he use the said voice, whether may they notwithstanding urge the people to observe them, and punish them, if they disobey them? And whether may the Ministers proceed against his *Maj.* with their Ecclesiastical Censures, if he shall persist in denying to confirme any such their decrees? 16.

Whether do they attribute to the King any further Authoritie in causes Ecclesiastical, (now seeing their Presbyteries are erected) then that he ought to defend the same so erected, and confirme by his Authoritie such Lawes, and matters Ecclesiastical, as the Ministers and Elders shall conclude of, so as by his commandment they may be the better observed? Or what further Authoritie they attribute to him? 17.

What maintenance of living have the Ministers? If but Little, how do they bear it? How are the Bishops livings bestowed? Who hath the Tithes? Or whether be there none payed at all? If the Laitie have both 18.

the

1590. the said livings and tithes, who do pay the Ministers their wages? If the people do pay them, how do they take it to pay their tithes to the Laitie, and yet to have that Charge laid upon them for finding of their Ministers?
19. Whether have the Lay or Ruling elders any allowance for their paines in their severall Charges; and who doth pay it?
20. What account is generally made of the Ministers for their Learning, Gravitie, and Age to be Ministers; Of the Elders for their manner of proceeding; and of that Presbyterial Government, for the course, which generally it holdeth? How are their Censures generally feared, and what great reformation of manners doth thereby appear, specially in Prayer, Fasting, Obedience to Superiours, Humilitie, brotherly Love and Patience?
21. What course hath been held against the Archbishop of *St Andrews*?
22. Whether is *Buchananus's* Treatise *de jure regni apud Scotos* approved there by the Consistorians, and the contents thereof allowed for good Doctrine?
23. How have the Ministers dealt with the King from time to time?
- By these questions, ye may perceive how curious this man was in other mens Common-wealthes.

The Kings
Letter to
Mr Robert
Bruce.

Upon the 19. of *Februar*, the King in his Letter to *Mr Robert Bruce*, confesseth, he is obliged to him while he liveth, for the travel he had taken in his absence, to keep the Subjects in good order; and desireth him to fight out the rest of his battel, seing he was to come home shortly, with a greater courage, *nam perseveranti in finem &c.* He prayeth him to waken up all men to attend his coming, and prepare themselves accordingly: for his diet would be sooner perhaps, nor was looked for; and as our Master saith, *He will come like a thief in the night*, & whole lamp he found burning, provided with oile, these he would cunne thanks, and bring in to the banquet house with him. But these that lacked their burning lamps provided with oile, would be barred at the door: For then would he not accept their crying Lord, Lord, at his coming, that had forgotten him all the time of his absence. This Letter was directed from the Castle of *Croneburgh*.

The Chan-
cellours
Letter to
Mr Robert
Bruce.

The Chancellour directed his Letter to *Mr Robert* upon the 12. of *Februar*, wherein he signifieth to him, that his paines in composing differences, and to obviat factious Persons, have been no small occasion of quietness *in hoc quasi interregno*; and that his *Ma.* was informed thereof by diverse meanes.

The Act made before, & published in *August* 1587. and the Act made in *July* 1588. were ratified in Councel, at the earnest desire of the General Assemblie conveyened in *March*; and commission given to a great number of the Lords, Barons and Gentlemen in the Countrey, to put the said Acts, & other Acts and Ordinances, & Commission against Jesuits, Seminarie Priests and Excommunicat Persons, in execution. And farther, because of the bruits and rumors of forreigne, and intestine plots and preparation against the state of Religion, and of the King; Commission was given to certain Ministers, to call and conven before them Persons of whatsoever rank, to subscribe the Confession of Faith, and the General Band, made and subscribed already by the King, and certain of his Estates, touching the maintainance and defence of the true Religion, the Kings Person and Estate, and withstanding all forreigne preparations

and

and forces tending to the trouble thereof: and Commission was given to certain Noblemen, Barons & Gentlemen, within the bounds particularly prescribed unto them, to concurre, in case the Ministers so required disobey, or be found obstinat. This act was made in Secret Council, upon the sixt of March about the beginning of the General Assemblie. The Act of Parliament expressed in this act, and published in *August 1587.* and the Act made by the King and Estates in *July 1588.* both set down in this Act of Council I omit, as likewise the Band; which the Reader may finde in the year preceeding, & I content me with that part of the Act of Council, which concerneth this time.

Which Act with the said Act of our Parliament, and other Acts, Ordinances and Commissions past, & given for executing of the same Acts, against the said Jesuits, seminarie Priests & excommunicat Persons, the said Lords of our Secret Council, in our Name ratifies, approves, & ordaines the same to be put to farther execution in all points, conform to the tenor thereof, with such expedition as conveniently may be. And because there are certain of the Noblemen, Barons, and others expressed Commissioners, in the said Act of our Secret Council, made upon the said 27. of *July* fourscore seven Years, that since the making thereof are departed this life, others diseased in their bodies, and some absent forth of our Realme, and in other parts far distant from the bounds, within the which commission was given them, by reason of their residence there for the time; so that at this present, they may not conveniently use and execute our said Commission, with such expedition as is requisite. Therefore the said Lords of our Secret Council, at the humble and earnest desire of the General Assembly of the Kirk presently convened, have thought good, concluded and ordained, that our said Commission, and Acts foresaid, shall be put in due and full execution by Persons *respectivè* following, given in by them in roll, within the Liberties, Sherifdomes, Sewartries and Bailliaries particularly undermentioned: These are to say, the Provostes and Bailiffes of every Citie and Burgh, Justiciers and Commissioners within the self, and liberties of the same. And for the Countrey to landwart, *Robert Earle of Orknay*, within the bounds of our Sherifdom of *Orknay*, *George Earle of Cathness*, *Coline Makenzie of Kintaille*, *Thomas Frazer of Knockie*, *Andrew Monro of Dowchartie*, *Angus Williamson*, *Mackintosh in Termet* and *John Urquhart Tutor of Crommartie*, within the bounds of our Sherifdomes of *Innerness* and *Cromartie*. *John Campbel of Caddel* our Sheriffe of *Narne*, *Hucheson Ross of Kithrawack* and *John Hay of Lochloy* within the bounds of our Sherifdom of *Narne*. *James Earle of Murray*, *Patrick Dumbar Sheriffe Wardatar of Elgin and Forres*, *Robert Inness of that ilk*, *John Goant of Frewchie*, *James Dumbar of Tarbert* and *David Dumbar of Grangehil* within the bounds of our Sherifdomes of *Elgin* and *Forres*. *William Earle of Mortoun Sheriffe Wardatar of Bamfe*, *Alexander Lord Saltoun* and *Walter Ogilvie of Findlatter* within the bounds of our Sherifdome of *Bamfe*. *John Master of Forbes*, *William Forbes of Corse*, *Alexander Iruing of Drum*, *James Crichtoun of Frendraught*, *Alexander Setoun of Meldrum*, *John Gordoun of Pitlurg*, *William Keith of Ludquharne* and *William Turing of Foveran* within the bounds of our Sherifdom of *Aberdeen*. *William Earle of Angus*, *George Earle of Marschal*, *Robert Lord of Altrie*, *Andrew Lord Dingwel*, *Alexander Straton of Laurenstoun*.

An act of
Council
for sub-
scription.

1589.

John Strauchachin of Thorntown, John Wishart of Pittarro & John Ramsey of Balmane within the bounds of our Sherifdome of Kincardine. John L. Hammiltoun, Thomas Master of Glames, Patrick Master of Gray, David Lindsay of Edgil, James Scrimger of Dudop Constable of Dundie, and George Habyburton of Pitcur within the bound of our Sherifdome of Forfar. John Earle of Athol, Duncane Campbel of Glanurquhart, John Stewart of Garntullie, Alexander Blair of Bathyock, William Moncreif of that ilk, and Patrick Ogilvie of Inchmartine within the bounds of our Sherifdom of Perth, Stormond and Dunkeld. John Murray of Tyllibardine, John Stirline of Keir and Mr John Hadden of Glenegies within the bounds of our Stewartries of Strathern, Menteith and Diocie of Dumblane. William Earle of Mortoun, Alexander Commendator of Culross, William Menteith of Kerse and Robert Bruce of Clackmannan within the bounds of our Sherifdomes of Clackmannan and Kenross. Andrew Earle of Rothess our Sheriffe of Fife, James Lindsay of the Bires, Mr William Lundie of that ilk, Andrew Wood of Largo and David Carnegie of Colluthie within the bounds of our Sherifdom of Fife. John Earle of Marr, William Lord Levingstoun, Alexander Forrester of Gardin and John Levingstoun younger of Dunipace within the bounds of our Sherifdom of Stirline. George Dundas of that ilk, Nicol Cornwal of Ballinhard and David Dundas of Prieststinch within the Bounds of our Sherifdom of Linlithgow. Archbald Naper of Merchinstoun, Alexander Fairlie of Braid and Patrick Monipennie of Pilrigh within the bounds of our Sherifdom of Edinburgh. VWilliam Earle of Angus, Francis Earle of Bothwell, VWilliam Lord Hay of Testter, Sir John Maitland of Thirlstane Knight our Chancellour and Alexander Home of Northberwick within the bounds of the Constabularie of Hadintoun and Dumbar. Sir James Home of Coldenknowves Knight, George Home of VVadderburn, Alexander Home of Huntonhall, Patrick Home apparent of Aitoun, Patrick Cockburne Tutor of Langtoun, James Setoun of Tullibodie and Mr Thomas Cranstoun of Morestoun within the bounds of our Sherifdom of Berwick or Merse. VWilliam Ker of Cessfurde, VValter Scot of Brantholme, George Douglas of Bonjedburgh, John Cranstoun of that ilk and Andrew Ker of Fadounside within the bounds of our Sherifdoms of Roxburgh or Teviotdale. VWilliam Lord Hay of Testter, John Stewart of Traquair, VWilliam Tvedie of Drumelzier and Patrick Murray of Faulahil within the bounds of our Sherifdoms of Selkirk and Peebles. John Lord Hammiltoun, VWilliam Earle of Angus, James Lord Sommervale, James Maxwell of Calderwood, John Stewart of Minto and James Hammiltoun of Libbertoun within the bounds of our Sherifdom of Lanerk or Cliddisdale. Ludovick Duke of Lennox, James Earle of Glenearne, Robert Lord Sempil, George Buchanan of that ilk, John Sharr of Grenock, VWilliam Edmonstoun of Duntreith and Humfrey Colboun of Lusse within the bounds of Lennox, and our Sherifdom of Ransfrou. Robert Master of Eglintoun, Thomas Lord Boide, John Blair of that ilk, and Thomas Cravfurde of Fordanbil within the bounds of our Bailliarie of Cunninghame. Hugh Campbel of Teorinzean, John VVallas of Cragie, Andrew Lord Ulchiltrie and William Cravfurd of Lochmoreis within the bounds of our Bailliarie of Kyle. John Kennedie of Blairquhan, Thomas Kennedie of Bargaenie and John Cathcart of Carletoun within the bounds of our Bailliarie of Carrick. Alexander

Stewart

Steuwart of garlies, Utbrid Makdugal of Garthland and Sir Patrick Vause of Barnbarrough within the bounds of our Sherifdom of Vigtoun. John Gordoun of Lochinvar, Thomas Maklullen of Bombie & James Lidderdail of St Marie Isle within the bounds of our Stewartrie of Kirkcudbright. John Lord Hammiltoun, James Douglas of Torthorald and Roger Grierson of Lagg within the bounds of our Sherifdom of Dumfries. Robert Lord Sanguhare, James Douglas of Drumlanrig and Robert Kirkpatrick of Closeburne within the Sanguhare, or over part of Nidisdale. James Johnstoun of Dunskeillie, Charles Murray of Cockpool and Robert Johnstoun Laird of Newbie within our Stewartrie of Annandale. Archibald Earle of Argile and his Curators within the bounds of our Sherifdom of Argile. Angus Malconeil of Dunneweg and Glennis, Lauchlane Macklane of Dowart, Donald Malconeil Gorme of Slait and Donald Mackland of Harris within the bounds of the Isles.

ATTOUR the said Lords of our Secret Council, hearing sundrie bruits and rumors, as well of forreign, as intestine plots and preparations for the trouble of the true and Christian Religion, presently professed within our Realme, and perilling of our Estate and standing, depending thereupon, both having the self same Friends and common Enemies, and subject to the like event of standing and decay, have thought meet, for the preventing of the danger, threatned hereby as well to the one, as to the other, that first of all the godly and well affected Persons, our good Subjects, shall be known and discerned from them, that are of a contrare disposition: and to this effect, the said Lords have given and granted, and by these presents give and grant, full power and commission, expresse bidding and charge, to the Pastors underwritten, every one of them within the bounds, particularly limited to them, as followeth.

They are to say, Thomas Swintoun, Henrie Colvil and John Dunnone within the bounds of our Sherifdom of Orkney. Mr William Pape, Mr Robert Inness, William Gray younger, Mr John Robertson, Mr George Monro, Mr Robert Williamson & Mr Thomas Howisone within the bounds of our Sherifdoms of Innerness & Cromartie. Mr Robert Rait within the bounds of our Sherifdom of Narnie. Mr John Keith Minister at Duffus, Mr Alexander Douglas Minister at Elgine, and John Forrester Minister at Forreth within the bounds of our Sherifdoms of Elgine and Forreth. Mr William Strauchachin, Mr James Duffe, Mr George Nicolson within the bounds of our Sherifdom of Bamse. Mr Peter Bleckburne, John Strauchachin, James Reid and Abraham Sibbald within the bounds of our Sherifdom of Aberdeen. Mr Andrew Mill, Mr William Lisk and Mr Alexander Arbuthnet within the bounds of our Sherifdom of Kincardine. Mr James Melvine, Mr Paul Frazer, William Christisone, Mr James Nicolson, Mr Henrie Guthrie, Mr Henrie Duncane, John Foullartoun and Mr Thomas Ramsey within the bounds of our Sherifdom of Forfar. Mr William Glas, Mr William Rynd, Alexander Young, Mr Archibald Moncreif and Mr William Row within the bounds of our Sherifdom of Perth, Stormonth and Dunkeld. Mr Andrew Young, Mr William Stirline and Alexander Fergie within the bounds of our Stewartries of Strathern, Menteith and Diocie of Dumblane. John Dykes, Robert Rait and Mr Alexander Wallace within the bounds of our Sherifdoms of Clackmannan and Kinross. Mr Thomas Buchanan, Mr Andrew Moncreif, Mr James Melvine and Mr Adam Mitchel within the

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bounds of our Sherifdom of Fife. *John Duncanson*, Mr *Alexander Levingstoun* and *Andrew Forrester* within the bounds of our Sherifdom of *Stirling*. *Patrick Kinlochie*, Mr *James Law* and Mr *Robert Cornwall* within the bounds of our Sherifdom of *Linlithgow*. Mr *Robert Bruce*, Mr *Patrick Simpson* and Mr *Michael Cranstoun* within the bounds of our Sherifdom of *Edinburgh*. Mr *Adam Johnstoun*, *John Hereis* and *James Gibsone* within *Dalkeith*. *VVilliam Sanderfone*, Mr *Cuthbert Boncle*, Mr *Thomas Mackgbie* and Mr *James Carmichel* within the Constabularie of *Hadintoun* and *Dumbar*. *David Home*, *John Clappertoun* and *Robert French* within our Sherifdoms of *Berwick* and *Merse*. Mr *Andrew Clayhills*, Mr *VVilliam Auchmoutie*, *George Johnstoun*, *VVilliam Balfour* & Mr *John Knox* within our Sherifdom of *Roxburgh* or *Teviotdale*. Mr *Archibald Douglas* Minister at *Peebles*, Mr *John Welsh* Minister at *Selkirk* and *William Sanderfone* Minister at *Innerletham* within the bounds of *Forrefts* and *Tweeddale*. Mr *John Davidson*, Mr *Robert Lindsay* and Mr *Andrew Hay* within the bounds of *Chidsdale* or *Lanerk*. Mr *Andrew Knox* and Mr *Patrick Walkinshaw* within the bounds of the *Lennox*, and our Sherifdom of *Renfrow*. Mr *Alexander Scrimger*, Mr *Alexander Wraton* and Mr *Robert Wilkie* within our Bailliarie of *Cunninghame*. *John Porterfield*, Mr *John Ingles* and Mr *Peter Primerose* within our Bailliarie of *Kyle*. *John Mackorn* & *William Young* within our Bailliarie of *Carrick*. Mr *Ninian Macclennoghben* & *John Young* within our Sherifdom of *Vigtoun*. Mr *James Hamiltoun* & Mr *David Blyth* within our Stewartrie of *Kircudbright*. Mr *Hugh Fullertoun* & *William Thomfone* within our Sherifdom of *Dumfrie*. Mr *James Bryfone* and *John Fullertoun* within the *Sanguhare*, or over part of *Nithisdale*. *Alexander Gairner* within *Annandale*. Mr *Neil Campbel* within our Sherifdom of *Argile*. All and sundrie Earles, Lords, Barons, Freeholders, Gentlemen, Inhabitants of our Burrowes, and other our Lieges whatsoever, of what rank or degree that ever they be of, to call and conveen before the said Ministers, by their missive Letters or messengers, at whatsoever places or dayes they shall think expedient: and they require them to give the confession of their Faith together with their Subscriptions thereto, and to the general Band, made and subscribed already by us, and certain of our Estates, touching the maintainance and defence of the said true Religion, our Person & Estate, and withstanding all forreign preparations and forces, tending to the trouble thereof. And in case any person so required disobey, that the Ministers of Gods Word proceed to admonitions, and finding them obstinat, cause the Censures of the Kirk to be used against them, as enemies to God, Us, and the whole Commonwealth of this their native Countrey. And that the said Ministers crave the concurrence of the Noblemen, Barones and Gentlemen, within the Bounds particularly abovementioned, for the better execution of the premisses. OUR WILL IS heretofore, and we charge you straitly and command, that incontinent these our Letters seen, ye passe, and in our Name and Authoritie make publication hereof, by open proclamation at the market Crosses of the Head Burrowes, and other places needful, where through none pretend ignorance of the same. As also that ye command and charge the Noblemen, Barons, Ministers and others foresaid, to accept upon them our Commission, given to every one of them, in manner particularly abovementioned; and to report their diligence, touching the execution thereof, to the

Clerk

Clerk of our Secret Council, betwixt and the twentie day of *May* next to come, under the paine of rebellion, & putting of them to our horne, with certification to them, if they failzie, they shall be denounced our rebels, and put to our horne, and all their moveable goods shall be escheat, and in brought to our use, for their contemption. And siclike, that ye command and charge all and sundrie our Lieges, to readily answer, intend, obey, concurre, fortifie and assist our said Commissioners in the execution of the premisses, & to do nor attempt nothing to their hinderance, as they and ilk ane of them will answer to us upon their obedience and alledgeance; and under all highest paine, crime and offence, that they may commit and incurre against us in that behalf. As ye will answer to us thereupon. The whilk to do, we commit to you conjunctly and severally our full power by thir our Letters, delivering them, by you duely execute and indorlat, againe to the bearer. Given under our Signet at *Edinburgh* the sixt of *March*, and our Reign the twentie third Year 1589. but according to the new calculation 1590.

Upon the 13 of *March* the Lords of Secret Council gave licence to the Printer, to print the Confession of Faith, the general Band and the Act of Council abovewritten, as followeth.

The Lords of Secret Council grant & give licence, by these presents, to *Robert Waldgrave*, to imprint, or cause to be imprinted, the Confession of Faith, together with the General Band, made touching the maintenance of true Religion, the Kings *Ma.* Person, and Estate, & withstanding all forreign preparations & forces, tending to the trouble thereof: As also the Act of Secret Council, containing a Commission to certain Noblemen, Barons and others, for searching, seeking, apprehending and pursute of Papists, Jesuits, seminarie Priests and Excommunicat Persons: with the like Commission to certain Ministers of Gods Word, to receive *de novo* the subscriptions of all Noblemen, Barons, Gentlemen, and others his Highness lieges of whatsoever degree, to the said General Band. For the printing of which Band, Act of Secret Council and Confession foresaid, the said Lords decerne and declare, that the said *Robert* shall not be called nor accused criminally or civilly, by any manner of way in time coming, nor incurre no skaith, or danger in his Person, lands or goods; but the same shall be counted and esteemed good and acceptable service unto his *Ma.* tending to the advancement of Gods Glorie, and Commonwealt of this Realme. Exonerating him, by these presents, of all paine or danger, that he may incurre ther-through for ever. Discharging, by thir same presents, all and sundrie Judges and Ministers of his Highness Lawes, and others his *Maj.* Lieges, and Subjects whatsoever, of all calling, accusing, troubling, pursueing, or in any wayes proceeding against the said *Robert*, for the cause foresaid, & of their offices in that part. Subscribed by the said Lords, at *Edinburgh* the 13 day of *March* 1589. but according to the new calculation 1590.

By warrant of this priviledge, the Confession of Faith, with two blank leaves following, to contain the names of the subscribers; and the General Band, with other two blank leaves following, to contain the names of the subscribers, together with the Act of Secret Council containing the Commissions above written, were printed about the end of the same moneth of *March*, & after subscriptions were required. But in whole hands the Copies are, with the names of the subscribers, we know not, except some few.

Licence to
print the
Confession
of Faith,
the Band
&c.

1590.

A minute
of the Acts
of the Ge-
neral As-
sembly.

This act of Council abovescriben, was procured by the General Assemblie, which convened at *Edinburgh* the third day of *March*. I have as yet seen no farther of the proceedings of this Assemblie, but this minute following of the acts concluded in it.

An act concerning discipline to be used against receptors of Jesuits, seminarie Priests and Excommunicats, whereof the diligence is to be reported to the Presbyterie of *Edinburgh*, betwixt and the first tuesday of *May* next to come.

All Pastors, proceeding to the sentence of Excommunication against whatsoever Persons, are enjoined to send the Testimonial of the sentence to the Session of the Ministers of *Edinburgh*, to be intimat by them; as also the sentence of Absolution from the same, under the paine to be publickly admonished, who fail therein.

An act against the keeping of fairs & markets on the Lords day, to be execute generally; and especially against certain Persons, who may stay the same, nominat in the Act.

The subscription of the Band for maintaining Religion, & of the Confession of Faith *de novo*, is to be urged by the Brethren; and Commission is appointed by the Privie Council to that effect. The said Band with the Confession of Faith, & Act of Secret Council concerning Jesuits, Papists & seminarie Priests, & a new Commission to receive subscriptions, are ordained by the Council to be printed, whereof every Presbyterie shall take home a Copie, or give tickets to *Mr John Davidson* of the Persons names, who shall receive the same for payment; & likewise to take with them a request of the Assembly to the Commissioners.

Item, That all Ministers proceed against Papists within their bounds, conform to the Act of the Kirk.

Item, Trial *de novo* is appointed, to be taken of all the Presbyteries, as was before this Assemblie, and that their diligence be given-in, in writ, in their Synods, in *October* next to come.

The Presbyteries are ordained to set down the names of all the beneficed Persons not making residence, & others incurring Deprivation by the act of Parliament, whether already deposed, or that shall be deposed hereafter, to the judges of non-residence, betwixt and the 20. day of *May* next to come, under the paine to be publickly rebuked by the whole Assembly.

Diligence to be used by the Presbytery & Commissioners of Countries, against the intertainers of Excommunicat Persons, viz. that after admonition they be proceeded against with the sentence of Excommunication; and this diligence to be remitted back by every Presbyterie to the Presbyterie of *Edinburgh*, betwixt and the first day of *May* next; and the same order and execution to be followed against receptors of *Jesuits* and seminarie Priests, to be likewise remitted, under the paine of Deposition of the Pastors negligent herein, and censuring of the Presbyteries and Commissioners for sloth.

Presbyteries & Particular Sessions are to proceed against the violators of the Lords Day, by keeping of Markets and Fairs, with the censures of the Kirk; and in special against the Persons, that may stay the same to be holden within their bounds.

It is ordained, that the Brethren recommend to God, in their publick and private supplications, the afflicted Brethren in *England*, for the Confession of the Puritie of Religion.

Th at

That the Act, concerning the acceptation of one Kirk allanerly, be put in execution, and the refusers be deposed from the function of the Ministrie.

Synods are ordained to provide Pastors for Butrowes Townes yet unprovided; *Edinburgh, Dundie, and St Andrews* being excepted: And that they provide for them some of their own members, or others, who are licenced to be transported by the General Assemblie; or such as are nominat to enter.

Upon the first of *May* the King and Queen arrived at *Leith* about two afternoon, where the Town of *Edinburgh, Leith* and *Cannongate* were in armes, and sundrie Lords attending to receive them.

The Queen was crowned in the Abbey Kirk, upon the seventeenth of *May*. The Particulars, because accustomed, I passe by. *Mr Robert Bruce, Mr David Lindsey, Mr Walter Balcanel* & the Kings own Ministers were appointed to be present at the Coronation.

Mr Andrew Melvine had an Oration this day in latine to the Ambassadour, to their great admiration. The King acknowledged, that he had honoured Him and his Countrey that day, promised never to forget it, and commanded to print it with diligence. The day following it was delivered to the printer, with an epigrame of dedication to the King, & intituled *et q^{uod} sit*.

Upon the Lords Day the twenty fourth of *May*, the King came to the great Kirk of *Edinburgh*. The Sermon being ended, he had a short harangue, wherein he shewed that he was come to thank God with the People, for his prosperous return; to thank them, for the good order kept in his absence; to thank the Ministers, for their care in stirring up the People to fast & pray for his safe return. He promised to amend his former negligence, and to execute justice without feud or favour, and to see the Kirks better provided. He confessed, many things had been out of order before, partly through the injurie of the time; and partly by reason of his youth. But now he had seen more, and being married, he would be more stayed, and promised to give himself wholly to the execution and performance of his promises, as soon as the strangers were dismissed.

James Gibson Minister at *Pencaitland* was denounced rebel by sound of trumpet at the Crosse of *Edinburgh*, upon wednesday the fiftenth of *July*; because being summoned to compear before the Councel, he compear- ed not; and preached, notwithstanding the General Assemblie had suspended him, till he had satisfied the King.

The General Assemblie convened at *Edinburgh* the fourth of *August*. *Mr James Melvine*, Moderator of the last Assemblie, discoursed in his exhortation upon the necessitie of Discipline, for the preservation of the Word and Sacraments in puritie. He called to remembrance the Beginning, Continuing, Breach and Restoring of the true Discipline; and exhorted the Brethren to deal earnestly with the King, to rescind & annul dangerous Acts and Lawes, made in prejudice of the Discipline & Libertie of Christs Kingdom, in token of thankfulness to God for his safe return; Seing he hath found by good experience in his absence, as alwayes before, the fidelity, love and care of the Ministrie. He exhorted them to studie the Discipline diligently, and practise it carefully; that they might be able at all occasions to stand in defence thereof; and at this time specially, for these causes. 1. Because of the state of zealous Brethren in

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The King and Queen arrive.

Queen Anne crowned.

J. Gibson denounced rebel.

A General Assembly,

our

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our neighbour Kirk, standing for the truth, and suffering for the same. 2. Because these *Amaziabs*, the belli-god Bishops in *England*, by moyen and money, were seeking conformitie of our Kirk with theirs, as did *Achaz* and *Uriah* with the Altar of *Damascus*. 3. Because we had lurking within our own bowels, a poisonful and venomous *Pfyllus*, so impoisoned with the venome of the old Serpent, and so altered in his familiar food and nourishment, to wit, Lies, Falshood, Malice and Knaverie, who hath been lurking a long time, hatching a cockatrice egge; and so finely instructed to handle the whistle of that old inchanter, that no *Pfyllus*, *Circe* or *Medea* could have done better. This was *Mr Patrick Adamson*, who was to set forth a book against the established Discipline, which he intituled *Pfyllus*. In his Epistle dedicatorie to the King, he declareth it is his purpose to suck out the poiton of the Discipline of the Kirk of *Scotland*, as the *Pfylli*, a venomous people in *Africk*, suck out the venome of the wounds of such as are stinged with Serpents. But I trust in God, said he, he shall prove als mad a fool, as did the fillie *Pfyllies*, of whom *Herodote* writeth, that when the south winde had dried up all their cisternes of waters, they took counsel to go against it in armes, But when they came to the desert and sands, the winde blowing raised the sand, and overwhelmed them. He exhorted the Brethren to ratifie and approve the Sentence of Excommunication, justly and orderly pronounced against him, forewarning them, if they did not, they would finde and feel yet more grievously the reserved poison of that *Pfyllus*, for their undutiful negligence, if God of his mercie stay it not. Some thought the Bishop would fold of will, as he had alreadie begun to fold; but if he were put at, the King would assist him. The exhortation being ended *Mr Patrick Galloway* was chosen Moderator.

The Kings
speech in
the Assem-
bly.

The King being present in the eight Session, the Moderator proposed to him three things, which the Assemblie craved; the ratification of the Liberties of the Kirk; the purging of the Land of Jesuits, seminarie Priests, abusers of the Sacraments; and provision of sufficient Stipends for every Kirk. The King answered, that in all Parliaments the Liberties of the Kirk were first ratified; that they understood of his good will to purge the Land of Jesuits &c. As for provision to Kirks, moe then he had interests: and therefore desired, that *Mr Robert Bruce*, *Mr David Lindsey*, *Mr Robert Pont* and the Moderator might be sent to the Council, to conferre with them thereanent. His answers did litle content the Assemblie. Yet were these appointed to presente some few Petitions to the King and his Council. He willed the Ministers to purge themselves, and to be impartial in their own cause. It was his dutie, said he, to see them reformed, as well as it was theirs to urge Him and the Nobilitie to reforme themselves. In no point was he so earnest as in this. In end, to please the Assembly, he praised God, that he was borne in such a time, as in the time of the Light of the Gospel; to such a place, as to be King of such a Kirk, the sincerest Kirk of the World. The Kirk of *Geneva*, said he, keepest Pasch and Yule, what have they for them? They have no institution. As for our neighbour Kirk in *England*, their service is an evil said Masse in English, they want nothing of the Masse, but the listings. I charge you, my good People, Ministers, Doctors, Elders, Nobles, Gentlemen and Barones, to stand to your puritie, and to exhort the People to do the same, and I forsooth, so long as I brook my Life and Crown, shall mainrain the same against all dead-

ly &c.

ly &c. There was nothing heard for a quarter of an hour, but praising God, and praying for the King.

The Petitions, to be presented to the King & Council, were these following; *First*, in respect that many things have been promised before, and no execution hath followed, that there be new performance, and the meane declared in special. That all Lawes, that have been made for the well of the true Kirk, be ratified, and a new Act of Parliament made, establishing the Jurisdiction of the Kirk, the General and Synodal Assemblies, Presbyteries and Discipline; and that all Acts made contrare to the Libertie and Jurisdiction of the said Kirk, preceeding the date hereof, be abolished; and while a Parliament may be had, that the said Act be concluded in Council, or Convention of Estates, if any shall happen to be holden in the mean time. That the Kirk and Countrey be purged of Jesuits, Papists, seminarie Priests and Excommunicats. That a Law be made for repressing and punishing of the Abusing of the holy Sacraments. That a Law and meane be provided, whereby Ministers may be possessed in their Gleibs and Manse, and peaceably enjoy them. That order be taken with them, that were at the Bridge of *Dee*. That Lawes & Ordinances be made against violating the Sabbath; against them that trouble & hurt Ministers going to their Kirk, or executing their office: For repressing of Bloodshed, and Murder in all Quarters of the Countrey, that the Land may be purged of Blood. That all Kirks within this Countrey be sufficiently planted with Ministers, Teachers and other necessary Office-bearers; and that sufficient stipends be appointed to them for serving of their cure, out of the best and readiest of the tithes, and other rents mortified to the use of the Kirk; & that the rest be bestowed upon Colledges, education of the youth, sustentation of the poor, the fabrick of the Kirk, and other common affaires.

For as much as it is certain, that the Word of God cannot be kept in sinceritie, unlesse the holy Discipline be observed; It is therefore by common consent of the whole Brethren and Commissioners present concluded, that whosoever hath borne Office in the Ministrie, within the Kirk of this Realme, or presently bear, or hereafter shall bear Office therein, shall be charged by every Particular Presbyterie, where they are resident, to subscribe the Heeds of the Discipline of the Kirk within this Realme, at length set down, and allowed by Act of the whole Assembly, in the book of Policie, which is registred in the Register of the Kirk; and namely in the Heeds controverted by the Enemies of the Discipline of the reformed Kirk of this Realme, betwixt and the next Synodal Assembly, under the paine of Excommunication to be execute against the non-subscribers; and that the Presbyteries, which shall be found remisse or negligent herein, receive publick rebuke before the whole Assembly. And to the end the said Discipline may be known, as it ought to be, to the whole Brethren, It is ordained, that the Moderator of each Presbyterie, shall receive from the Clerk of the Assembly a Copie of the said book, under his subscription, upon the expenses of the Presbyterie, betwixt and the first day of *September* next to come, under the paine to be accused openly in face of the whole Assembly. Some Ministers, that were at this Assemblie, notwithstanding of this Act, making defection afterward, either accepted Bishopricks, or aspired to the same, *videlicet*, Mr *Neil Campbel*, after Bishop of *Argile*; Mr *Peter Bleckburne*, after Bishop of *Aberdeen*, Mr *George Gladstones*,

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Petitions.

An Act
for sub-
scribing
the Book
of Policie.

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after Bishop of *St Andrews*; *Mr James Nicolson*, after Bishop of *Dunkelden*; *Mr William Couper*, after Bishop of *Galloway*; *Mr David Lindsey*, after Bishop of *Ross*; *Mr John Spotswoode* Bishop of *St Andrews*; *Mr Patrick Lindsey*, Bishop of *Mr Ross*; *George Graham* Bishop of *Orkney*; *Mr Robert Pont*, *Mr Robert Cornwall*. *Mr Thomas Buchanan*, *Mr Archbald Moncreif* &c.

An Act
concern-
ing Visiters
of Coun-
treys.

For as much as it is with common consent of the whole Brethren of the Assemblie resolved, that where the Presbyteries are well and orderly constituted, the yearly election and nomination of Visiters over Countreys, hitherto customably observed in the Assemblie, is not necessarie nor expedient, the samine presbyteries having established in themselves a sufficient power, to send out of their own number some instructed with their Commission *pro re nata*, to take order with such things, as fall out in their bounds. Therefore it is thought meet, and concluded, that the said yearly election of Commissioners over Countreys, where Presbyteries are well and sufficiently constituted, shall cease in time coming; and where before the said Commissioners bare the Charge to intoll the Ministers and their Stipends at the Plat, receive Presentations and give Collation thereupon, designe manses & gleibes; that the said well constituted Presbyteries every one of them shall yearly (ay and while the necessitie craveth) elect and chuse out of their own number a Brother, in name of the whole Presbyterie, for inrolling and expeding of their Stipend at the Plat, authorized and instructed by them with Commission, subscribed by the Moderator and Clerk of the Presbyterie, to be shewed and produced to the Modifiers: and that the same Commissioners designe manses and gleibes within the bounds of the said Presbyterie; and in all things, concerning the execution of his Commission, to be countable and subject to the censure and judgement of the Presbyterie, from whom he hath received the same; and that all Presentations be directed in time coming to the Presbyterie, where the benefice lyeth. Alwayes in admission and deprivation of Ministers in *Buchan*, *Aberdeen*, *Garioch* and *Marr*; that *Aberdeen* and *Buchan* proceed with mutual advice, in admission and deprivation of Ministers; and likewise *Marr* and *Garioch*: And in case of variance, that the matter be remitted to the Assemblie.

Summar
Excommuni-
cation allow-
ed.

Because great slander lyeth upon the Kirk through manifold Murders, notorious Adulteries and Incests, and the parties being brought under processe oftentimes delude the Kirk, & shift from place to place, where through the processe cannot be brought to a final sentence; during all which time the slanders continue and increase: *queritur*, whether parties, falling into such horrible and odious crimes, may be Excommunicated summarily upon the notoriety of the crime, or not? It was answered *affirmative*.

A Com-
mission to
censure for
insurrecti-
on at the
Bridge of
Dee.

Because the special Authors and Enterprisers of the dangerous Insurrection at the bridge of *Dee*, had never yet confessed their Offence; nor satisfied the Kirk; the Assemblie giveth power and commission to the Presbyterie of *Edinburgh*, one of the Kings Ministers and seven or eight other Ministers, to summon to compear before them in *Edinburgh*; the Earles, Lords, Barons, Freeholders, that were at the said Insurrection, and the special Traffickers, and Counsellors to the said Noblemen; and to Charge them to acknowledge and confesse their offence against the true Kirk of God, and true Religion; make satisfaction for the slander committed by them, under the paine of Excommunication, & that betwixt

and

and the first day of *Februar* next to come; referring to their discretions the particular diets, and order of proceſſe to be kept therein: Providing that this Commission be executed betwixt and the said day.

James Gibſone was apprehended upon the twentieth one of *November* by *William Home* Captain of the guard. The Ministers of *Edinburgh* being convened upon the twenty eight of *November*, the right tenor of *James Gibſon's* Words was exhibited to them, *videlicet*. *It was not now Ladie Iſabel, Captain James and William Stewart, that were persecutors, but the King himself: wherefore if the King continued in that course, he feared, that as Ieroboam and his Posteritie did end their race; so the King should conclude his race.* They thought not so hardly of these words, as the Court thought. Upon the seventeenth of *December* he gave in a submission in writ to the King, but the King would have an ampler submission. Upon the twenty two day of *December*, he appeared before the King & Council, confessed his rashness in subscribing at *Linlithgou*, otherwayes then he spake in pulpit, and so was set at libertie.

Doctor Bancrofts Letters to *Mr Patrick Adamſone* were intercepted in *Ianuar*. He letteth *Mr Patrick* understand, that he had read his bookes, the one upon the *Revelation*; the other, his paraphrase upon *Iob*. He adviseth him to give the *Queen of England* more honourable stiles; and to praise the Church of *England* above all other. He marvelled why he came not to *England*, as he was looked for, assuring him, that he would be very well accepted by my Lord of *Canterburries* grace, and well rewarded, if he came.

The King was so vexed with complaints upon *Mr Patrick Adamſone*, lying registred at the horne, and so ashamed of him, that he rejected him, & diſpoſed the liſerent of the bishoprick to the *Duke of Lennox*. The miserable Bishop fell in povertie, and sickness. His neceſſitie was so great, that he was forced to crave help of *Mr Andrew Melvine*, confessed his offences, and offered to presente himself to the pulpit. & make publick confession; but had not the hap to performe it. He sent to the Presbyterie of *St Andrews*, & desired to be absolved from the sentence of Excommunication. The Brethren doubting, whether his desire proceeded of trouble of minde, or if it was a shift only to get some support, directed *Mr James Melvine* and *Mr Andrew Moncreif* to try him: Als soon as he saw *Mr James*, he pulled off his cap, and cried, *forgive me, forgive me for Gods sake; Mr James; for I have many wayes offended you.* *Mr James* forgave him, & exhorted him to unfained repentance. When he was asked, if he acknowledged the validitie of the sentence of Excommunication, pronounced against him; he interrupted *Mr James*, and cried pitifully and often, *loose me for Christs sake.* At their report, the Brethren with prayer and thanksgiving absolved him.

The Provincial Assembly of *Fyfe* convened at *St Andrews* the sixth of *April* 1591. *Mr John Caldclough* presented, in *Mr Patrick Adamſon's* name, certain Articles written in latine, containing his recantation, which were read. The Synod directed the Rector of the Universitie *Mr Andrew Melvine*, *Mr Robert VVilkie*, *David Fergusone* and *Mr Nicol Dalgleish* to him, to crave a more clear and ample Recantation, in the vulgar tongue; which he did, and subscribed with his own hand, as followeth.

1590.

James Gibſone set at libertie.

1591.

Bancrofts Letters to Mr Patrick Adamſone intercepted.

M. P. Adamſone absolved.

M. P. Adamſon's recantation.

1591.

The recantation of Mr Patrick Adamson, Bishop of St Andrews, directed to the Synod convened at St Andrews 8. Aprilis 1591.

Brethren, understanding the proceedings of the Assembly in my contrary, and being now withholden by sickness, to presente my self before you, that I may give confession of that Doctrine, wherein I hope God shall call me, and that at his pleasure I may depart in the unitie of the Christian faith; I thought good by writ to utter the same unto your wisdoms, and to crave your godly wisdomes assistance, not for the restitution of any wordly pomp or preeminence, which I little respect; but to remove from me the slanders, which are raised in this Countrey, concerning the variance of Doctrine, specially on my part; wherein I protest before God, that I have only a single respect to his Glorie, & by his grace I shall abide herein to my lifes end.

First, I confesse the true Doctrine of Christian Religion to be publickly taught, and rightly announced within this Realme, and detest all Papistrie and superstition; like as (blessed be God) I have detested the same in my heart the space of thirtie years, since it pleased God to give me the knowledge of the Truth, wherein I have walked uprightly, as well here, as in other Countreys, as the Lord beareth me record; until these last dayes, wherein, partly for ambition and vaine glorie, to be preferred before my Brethren; and partly for covetousness, to possess the pelf of the Kirk, I did undertake this Office of Archbishopprick, wherewith justly the sincerest professors of the Word have found fault, & have condemned the same, as impertinent to the Office of a sincere Pastor of Gods Word. And albeit men would colour the same, and the imperfections thereof, by diverse cloakes; yet the same cannot be concealed from the spiritual eyes of the Faithful; neither yet can the men of God, when they are put to their Conscience, dissemble the same.

Next, I confesse I was in an erroneous opinion, that I beleevied the Government of the Kirk to be like unto the Kingdoms of the earth, plaine contrarie to the Command of our Master *Christ* (as it is;) but also in Ministers, who are nothing, but vassals under him in an equalitie among themselves.

Thirdly, That I married the Earle of *Huntlie*, contrair the commandment of the Kirk, without the confession of his Faith, and profession of the sincere Doctrine of the Word, I repent and crave God pardon.

That I travelled both by reasoning, and other wayes, to subject Kirkmen to the Kings Ordinance, in things that appertained to Ecclesiastical matters, and things of Conscience; whereupon sundrie great enormities have fallen forth in this Countrey, I ask God mercie.

That I taught, Presbyteries to be a foolish invention, & would have had it so esteemed of all men, which is an Ordinance of *Christ*, I crave God mercie.

Farther, I submit my self to the mercie of God, and judgement of the Assemblie, not measuring my offences by my self, nor infirmities by my own ingine, but by the good judgement of the Kirk, to which alwayes I subject my self, and beseech you to make intercession to God for me, and to the King, that I may have some moyen to live, and con-

sume the rest of my wretched time, for winning of whose favour (which foolishly I thought thereby to obtain) I committed all these Errours:

Whereas I am burdened to be the setter forth of the Book, called *The Kings Declaration*, wherein the whole order of the Kirk is condemned & traduced, I protest before God, that I was commanded to write the same by the Chancellour for the time, but chiefly by the Secretar, another great Courtier, who himself penned the second Act of Parliament, concerning the Power & Authoritie of Judicature to be absolutely in the Kings power, and that it should not be lawful to any Subject to reclaim from the same, under the penaltie of the Act, which I suppose was Treason.

Item, Where it is alledged, that I should have condemned the Doctrine, announced and taught by the Ministrie of *Edinburgh*, concerning Obedience to the Prince, I confesse and protest before God, that I never understood, nor yet knew any thing, but sinceritie and uprightness in the Doctrine of the Ministers of *Edinburgh* in that point, or in any other.

Farther, I confesse I was the Author of the Act discharging the Ministers Stipends, that would not subscribe the Acts of Parliament, where-with God had justly recompensed my self.

As for any violent course, it is known well enough, who was the Author thereof, and my part was tried at the imprisonment of *Mr Nicol Dalgleish*, *Mr Patrick Melvine*, *Mr Thomas Jack* and others.

Moreover, I grant I was more busie with some Bishops in *England*, in prejudice of the Discipline of our Kirk, partly when I was there, and partly by mutual intelligence since, then became a good Christian, much lesse a faithful Pastor. Neither is there any thing that more ashameth me, then my often deceiving and abusing of the Kirk heretofore, by Confessions, Subscriptions, Protestations &c. which be far from me now and ever hereafter, *Amen*.

Your Brother in the Lord

M. Patrick Adamson.

Where your Wisdomes desire to have my own opinion, concerning the Book of the Declaration of the Kings intention; the same is at more length declared in the Confession, which I have exhibited already, wherein I have condemned all the Articles therein contained; likeas by these presents I condemne the same.

Where you require, what became of the Books of the Assemblie? I reserved them whole, until the returning of the Lords and the Ministrie out of *England*; and if I had not preserved them, my Lord *Arran* intended to have made them to be cast in the fire. And upon a certain day in *Falkland*, before they were delivered to the Kings Maj. the Bishop of *N.* accompanied with *Mr Henrie Hammiltoun*, rent out some leaves, and destroyed such things as made against our Estate, and that not without my own special allowance.

As for the Books which I have set forth, I have set forth nothing, except a Commentarie upon the first Epistle of *Paul* to *Timothie*, which shall be directed to the Kings Maj. and keepest no exemplar beside me; and I understand that *Mr John Geddie* got the same from the King, and lent it to *Mr Robert Hepburn*.

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Farther, I wrote nothing, but only made mention, in my preface upon the *Apocalypse*, that I should write a book called *Psalms*, which (being prevented by disease) God would not suffer me to finish, & the little thing that was done I caused destroy it. I have set forth the book of *Job*, and the *Lamentations* of *Jeremie*, all in verse, to be printed in *England*.

As for my intention, I am not disposed, nor of abilitie to write any thing at this time; and if it please God I were restored to my health, I would change my stile, as *Cajetanus* did at the Councel of *Trent*.

As for *Sutlivius's* book against the forme and order of the Presbyteries, so far am I from being partner in that work, that as I know not the man, nor had ever intelligence of the work, before it was done; so if it please God to give me dayes, I will write in his contrarie.

Prayes the Brethren to be at unitie and peace with me, and in token of their forgiveness, because my health suffereth me not to goover to the Colledge, where ye are presently Assembled, which I would gladly do, to ask God and you forgiveness, that it would please you to repair hither, that I may do it.

Moreover I condemn, by this my subscription, whatsoever is contained in the Epistle dedicatorie to the Kings *Ma.* before my book upon the *Revelation*, that is either slanderous, or offensive to the Brethren. Also I promise so satisfie the Brethen of *Edinburgh*, or any other Kirk in this Realme, according to good Conscience, in whatsoever they finde themselves justly offended, & contrare to the Word of God, in any of my Speeches, Actions or Proceedings, which have past from me.

And concerning the Commentarie upon the first Epistle of *Paul* to *Timothie*, because there are diverse things therein contained offensive; & that tend to allow of the state of Bishops, otherwayes then Gods Word can suffer, I condemn the same.

The Pages before written, dictated by me *Mr Patrick Adamson*, and written at my commandment by my Servant *Mr Samuel Cunningham*, I subscribe with my own hand, as acknowledged by me, in sincerity of conscience, as in the presence of God, before these witnesses, directed to me from the Synodal Assemblie, because of my inabilityie to repair towards them, *James Monipennie* younger of *Pitmillie*, *Andrew Woode* of *Stravethie*, *David Murray* Portioner of *Ardeit*, *Mr David Russel*, *Mr William Murray* Minister at *Dysert*, *Mr Robert Wilkie*, *David Ferguson*, with diverse others.

M. P. ADAMSONE.

David Fergusone witness.*M. Nicol Dalgles.**James Monipennie* of *Pitmillie* witness.*Andrew Woode* of *Sravethie* witness.*M. Robert VVilkie* witness.*David Murray* with my hand witness.*M. David Russel.**M. David Spence.**M. John Caldclogh.**M. VVilliam Murray.**Mr Patrick*

Mr Patrick Adamson's own Answer to *the Refutation of the Book,*
falsly called, The Kings Declaration.

I have enterprised of meer remorse of Conscience, to write against a Book, called, *A Declaration of the Kings Maj. intention*; albeit it containeth little or nothing of the Kings own intention, but my own at the time of the writing thereof, and the corrupt intentions of such as for the time were about the King, and abused his minoritie. Of which Book, and contents thereof, compiled by me at the command of some chief Courtiers for the time (as is before written) I shall shortlie declare my opinion, as the infirmitie of sickness, and weaknes of memorie will permit.

First, in the whole book nothing is contained, but assertions of lies, ascribing to the Kings *Ma.* that whereof he was not culpable: For albeit, as the time went, his *Ma.* could have suffered these things to have been published in this Realme; yet his *Ma.* was never of that Nature, as to have reviled any mans Person, or to upbraid any man with Calumnies, whereof there is a number contained in that book.

Secondly, in the Declaration of the *second* Act of Parliament, there is mention made of *Mr Andrew Melvine* & his Preachings, most wrongfully condemned, in special as factious and seditious; albeit his *Majest.* hath had a lively trial of that mans fidelitie and truth, in all proceedings from time to time. True it is, he is earnest and zealous, and can abide no corruption (which most unadvisedly I attributed to a fierie and salt humour) which his *Maj.* findeth by experience to be true: For he allowed well of him, and knoweth things, that were alledged upon him, to have been false and contrived treacheries.

There are contained in the *second* Act of Parliament, and Declaration thereof, diverse other false calumnies, to defame the Ministrie, and to bring the Kirk of God in harred and envie with their Prince and the Nobilitie, burdening and accusing falsly the Ministers of Sedition, and other crimes, whereof they were innocent. As likewise it is written in the same Act and Declaration thereof, that soveraign and supream power, in matters Ecclesiastical, pertaineth to the King; which is worthie to be condemned, and not to be contained among Christian Acts, where the power of the word is to be extolled above all the power of Princes, and they are to be brought under subjection to the same.

The *fourth* Act condemned the Presbyteries, as a Judgement not allowed by the Kings Law, which is a very slender argument. For as concerning the Authoritie of the Presbyterie, we have the same warranted in the Gospel, *Matth. Ch. 18.* where Christ commanded to tell the Kirk. Which Authoritie being commanded by Christ, and the Acts of Parliam. forbidding it, we should rather obey God then Man. And yet the Presbyterie wanted never the Kings Authoritie for allowance thereof from the beginning; saving only at that hour of darkness, when he was abused with evil companie. As for any other thing that is contained in this Act, against any order or proceeding of the Presbyterie, it is to be esteemed, that nothing was done by the Presbyterie without wisdom, judgement, and discretion; & so hath received approbation again by the Kirk, whereunto also I understand his *Ma.* hath given allowance, hath ratified and approved the same, which should be a sufficient reason to repress all

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mens curiositie, that either have, or yet would finde fault with the same.

The last Act containeth the establishing of a Bishop, which hath no warrant in the Word of God, but is grounded upon the Policie of mans invention, whereupon the Primacie of the *Pope* or *Antichrist* is risen, which is worthie to be disallowed and forbidden: Because the number of the Eldership, that hath Jurisdiction and Oversight, as well of Visitation, as of Admission, will do the same far more authentickly, godly, and with greater Zeal, then a Bishop, whose care commonly is not upon God and his dutie, but upon the World, whereupon his chief attendance is. Consider how that office hath been used, these five hundred Years bygone, with what crueltie and tyrannie it hath been exercised; ye shall finde it to have been the chief mean, that hath in every Countrey suppressed the Word of God; which shall be evident to all that read the storie of the Kirk. As for my own opinion, it seemeth to be neerer to the truth, and farthest from all kinde of ambition, that the Brethren in equal degree assemble themselves under the Head Christ, and there every man discharge his office carefully, as he is commanded. And because weakness of memorie and sickness suffereth me not at length to discourse upon these matters, as I would, I must request the good Reader to assure himself, that I have written these, without compulsion or persuation of any man, with an upright heart; and have delivered the same with perfect sinceritie of minde, so far as infirmities of flesh and blood did suffer, as God shall judge me at the latter day: And that the same Reader account, that whatsoever things are omitted, is to be imputed to the imbecillitie of my memorie, and the present sickness; and not to any good will, which, I protest, was to have condemned every point, yea even to the false narration of the Banquet, and all the rest contained in the little Treatise called *The Declaration of the Kings Ma. Intention*, as I acknowledge they deserve to be condemned by the Censure and Judgement of the Kirk, to the which also I submit my self, in whatsoever thing, I have either in word or writ attempted in that foresaid Declaration, or otherways. By these presents subscribed with my hand at *St Andrews* the twelfth of *May* 1591. Before these witnesses Mr *David Black* Minister at *St Andrews*, Mr *Robert Wilkie* Principal at *St Leonards Colledge*, Mr *John Aitoun* of *Enmath*, Mr *William Russel*.

PATRICK ADAMSONE.

M. David Black witness.

William Learmonth.

George Ramsey.

Patrick Gutrie.

M. John Auchinleck.

Charles Watson Scribe.

I M Patrick Adamson declare, that this Confession and Declaration before-written, is my own confession, given with my heart, and subscribed with my hand, before these witnesses underwritten, under subscribing with me at my Request and desire, at *St Andrews* the 10. of *June* 1591.

PATRICK ADAMSONE.

David Carnegie of Colluthie witness.

Alexander Bruce of Earlschal witness.

William Scot of Abbotshal witness.

Borthwick of Gordonschal.
M. William Russel.

William

William Learmonth.
Thomas Kingzo.
M. Robert Wilkie.
M. Andrew Moncreif.

M. David Black.
M. Andrew Hunter, Scribe of
 the Provincial Assemblie.

Mr David Black, a man mightie in Doctrine, and of singular fidelitie and diligence in the calling of the Ministrie, came to *Mr Patrick* in *Februar* the year following, when he was drawing neer to his end, and found him, as he lived, senselesse. Commending him to the mercie and pleasure of God, he departed with a heavie heart.

Upon the Lords day the sixt of *June*, the King was at *Mr Robert Bruce* his Sermon, in the little Kirk. *Mr Robert Bruce* moved the question, *What could the great disobedience of the Land meane now, while the King was present, seeing some reverence was borne to his shadow, while he was absent?* And answered, it meant the universal contempt of his Subjects. Therefore willed him to call to God before he either eat or drink, that the Lord would give him a resolution to execute Justice upon Malefactors; although it should be with the hazard of his life: which if he would enterprise couragiously, the Lord would raise enough to assist; and all his impediments, which are cast in his way, would vanish away. Otherwayes, saith he, you will not be suffered to enjoy your Crown alone, but every man will have one.

Upon Friday the eleventh of *June*, a Letter was purchased from the King by my *Lord Lindsey* and *Mr R. Bruce* to the *Queen of England*, in favours of *Mr Udal* an English Preacher, imprisoned at the instance of the Bishops. The Letter was penned by *Mr Georg Young* as followeth.

Right Excellent, right High and Mightie Princess, our dearest Sister and Cousin. In our heartiest manner we recommend us to you. Hearing of the apprehension of *Mr Udal*, of whose good erudition, and fruitful travels in the Kirk, we hear a very credible commend, howsoever that his diversitie from the Bishops and others of your Clergie, in matters touching him in Conscience, have been a meane by their delation, to work him your disliking at this present; we cannot (weighing the dutie which we owe to such as are afflicted for their Conscience in that profession) but by our most affectuous and earnest letter, request you most earnestly, that for our cause and intercession, it may please you to let him be releevd of his present strait, and whatsoever farther accusation or pursute, depending on that ground, respecting both his former merit in the forth-setting of the Evangel, the simplicitie of his Conscience in this defence, which cannot well be thirled by compulsion, and the great slander, which could not fail to fall out, upon his farther straiting for any such occasion. We assure us, your zeal to Religion, besides the expectation we have of your good will to pleasure us, will move you willingly to accord to our request, having such proofes from time to time of our like disposition to you, in any matters ye recommend unto us. And thus right Excellent, right High and Mightie Princess, our dearest Sister and Cousin, we commit you to Gods good protection. From *Edinburgh*, the twelfth day of *June* 1591. This letter was not delivered.

The General Assemblie convened at *Edinburgh*, the second of *July*. In their Articles to be presented to the King and Council, they crave, that the Acts of Parliament may be put in execution against Jesuits, specially *Mr James Gordoun*; and their resettlers; against the excommuni-

M. R.
 Bruce his
 admoniti-
 on to the
 King.

A Letter
 in favours
 of *Mr Udal*.

Articles
 to the King
 and Coun-
 cill.

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cats, such as the *Laird of Fentrie*, and the *Master of Angus*; against privat men and women ministring the Sacraments; against Idolaters, Pilgrimages, Papistical Magistrats, Sayers and Hearers of masse, givers of the Sacraments according to the Papistical form, and Receivers of the same, Holders of markets upon the Sabbath-day, violent invading of Ministers, Profaners of the Sabbath-day by playes of *Robinhood*, and Murderers and Bloudsheders. *Item*, that the Act of annexation be dissolved; that new erections and patronages be discharged; that the Act of dissolution of Prelacie, and benefices consisting of moe Kirks then one, may be ratified and established; that small benefices, disposed to Ministers, may be free from taxation; that common Kirks be disposed to Ministers serving the cure. And other Acts to be made concerning manfes and gleibes, and provision of Ministers.

An Act
for the
book of
Policie.

Sess. 4. Touching the subscription of the book of Policie, enjoined in the last Assembly, in respect the greatest part of the Presbyteries hath not as yet satisfied the ordinance of the Assembly, the Assembly hath ordained their former Act to be executed, betwixt and their next Assembly, and the Moderator of every Presbyterie to see execution, under the pain of publick rebuke in open Assembly.

Sess. 6. For as much as the Order observed before, in giving power to some Brethren, nominated to that effect, to read and answer the Billes given-in to the General Assembly, appeareth to some Brethren to be inconvenient, and to derogat from the Provincial Assemblies, specially in so far as the matters that are thought doubtfull to them, and referred to the whole Assemblie, are committed to the decision of four or five Brethren; it is thought expedient, that in time coming certain Brethren be chosen, and nominated by the Assemblie, who shall have power only to take-in the supplications and complaints, which are to be presented before the full number, read them, and consider, if they come-in pertinently before the General Assembly; and if they be impertinent, to give their answer upon the back of the Billes; if pertinent, to bring them back to the Assemblie to be answered, with their opinion by word, what they have considered, and what they think meet to be answered.

An Act
for revocation.

Sess. 17. Forasmuch as it being deeply considered by the Assembly, that many things have been done by them, and by others, pretending the title and name of the Kirk, greatly prejudicial to themselves, their discipline, and the patrimonie and living of the Kirk, and that by good Laws it is granted, and lawful to them to help themselves by Revocation: therefore the Assembly, after grave and mature deliberation, hath revoked, and by these presents revocketh, all and whatsoever thing done by them or others, clothing themselves with the name of the Kirk, prejudicial to themselves, their discipline, their patrimonie and living, as being enormly hurt thereby; and protesteth according to the disposition of the said Law solemnly, they may be heard in time and place to seek remedie: and for more special expression, and more particular declaration of the same, hath willed their Brethren, *Mr Robert Pont*, *Mr David Lindsey*, *Mr Robert Bruce* and *Mr Andrew Melvine*, to conceive in writ the form thereof; the Copie whereof each Presbyterie is ordained to receive, and to give command to the Pastors within their bounds, to intimat the said Revocation, made in this Assembly, from their pulpits.

An Act
for Mr
Craigs
Catechisme.

Touching the forme of examination before the Communion, penned by

their

their Brother Mr *John Craig*, the Assembly thought it meet to be printed, it being contracted by the Author in shorter bounds.

Touching the question proponed, whether these who usurp the name of Bishops, & have been sometimes in the Ministrie, but now will neither serve the Kirk themselves, whereof they lift up the fruits; nor pay the stipends of these that serve, as they are appointed by the Plat, there being sufficient rent for that use; but spend the same in profane uses, ought to be censured by the Kirk: And if they will not amend, be Excommunicated? It was answered, they ought to be Censured; & if they amend not, to be Excommunicated, These were called Bishops, not for the Office, but for the Benefice.

Upon the twentie seventh of *December* about supper time, *Bothuel* and his Complices came to the King and Chancellour's chamber doores with fire, and to the *Queen's* with a hammer, in the Palace of *Halyrud-house*, of intention to seize upon the King and the Chancellour. His hatred against the Chancellour was implacable; because he suspected him to be the chief instrument in stirring up the King against him. But the Citizens of *Edinburgh*, being warned by the Common bel, and coming down in haste, he and his complices fled all, except seven or eight, who were apprehended, and therefore were hanged at the Crosse of *Edinburgh*. Upon wednesday the twentie ninth of *December*, Mr *Craig*, preaching before the King upon the two brazen mountains in *Zacharie*, said, that as the King had lightly regarded the many bloudie shirts, presented to him by his Subjects craving justice, so God in his Providence had made a noise of crying & fore-hammers to come to his own doores. The King would needs have the people to stay after sermon, that he might purge himself; & said if he had thought his hired servant (meaning *Master Craig*) would have dealt in that manner with him, he would not have suffered him so long in his house. *Master Craig*, not hearing what the King said by reason of the throng, went forth.

Upon the seventh of *Februar*, *Huntlie* went out of *Edinburgh*, & that same night set the house of *Dinnibirle* on fire, so that the *Earle of Murray* was forced to come forth, and was discovered by some sparks of fire in his knapsack, and so was killed, & cruelly demaimed. The Sheriffe of *Murray* was likewise killed. The King went forth to the hunting in the morning after, & hunted about *Innerleith* and *Wairdie*, which are just over against *Dinnibirle*. As he returned from the hunting, he sent for five or six of the Ministers, and desired them to cleare his part before the people, which was lamenting and mourning for the cruel murder of the Nobleman. They desired him to clear himself, by earnest pursuing of *Huntlie* with fire and sword. *Huntlie*, at the Kings desire and the Chancellours, entred in ward in the Castle of *Blackness*. But upon his supplication to the King and the Council convened in *Linlithgow*, and offer to enter and underlye the Law, when he should be required, his liberty was granted, he finding caution to re-enter.

The General Assemblie convened the 21. of *May*. This Assemblie thought it necessary, that the Articles following be presented to the King. 1. That the Acts of Parliament made in the Year of God 1584. against the Discipline of the Kirk, Libertie & Authoritie thereof, be annulled; & the present Discipline, whereof the Kirk hath had the practice, be ratified. 2. To crave the abolition of the Act of Annexation, and the restitution of the Patrimoine of the Kirk. 3. That Abbots, Priors & other Prelats, pretending the tittle of the Kirk, & voting for the same without their power or commission, be not suffered in time coming to vote for the same,

1591.

An Act
against un-
teaching
Bishops.

Bothuel
settleth on
the King &
the Chan-
cellour.

1592.

The Earle
of Murray
slaine at
Dinni-
birle.

Articles to
the King
from the
Assembly.

1692.

Concern-
ing vote in
Parliament

either in Parliament, or any other Convention. *Lastly*, That the Coun-
trei, which is polluted with fearful Idolatrie and blood, be purged.

As concerning voting in Parliament in name of the Kirk, if it shall be
thought lawful, that Ministers shall succeed in place of Prelats, is re-
ferred to consultation, and every Brother ordained to weigh, and debate
the argument with himself, and be readie to reason upon that matter the
day following. But I finde no further of that matter at this time: Only
I have by report, that it was thought meet, that some others then Mi-
nisters should have Commission from the Kirk, to vote in name of the
Kirk. But this point was agitat at length afterward, as we shall shew in
the own place.

A Commis-
sion to ad-
monish the
King.

The Assemblie directed their Brethren, who were appointed to pre-
sente the Articles, & some other Brethren with them, to go immediatly
to his *Ma.* & to admonish him gravely, in name of the Eternal, to have
respect in time to the Estate of true Religion, to the many Murders and
Oppressions, dayly multiplied through impunitie and lack of Justice, &
to discharge his Kingly Office in both, as he will eschew the fearful chal-
lenge of God, and avert his wrath off himself, and the whole land; and
that he might be the better informed, to lay down the particulars unto
him, and to crave his answer.

A commis-
sion to
proceed a-
gainst
Huntlie.

The Presbyterie of *Brechen* had alreadie entred in proceffe with the
Earle of Huntly and his Complices, for the heinous and cruel murder of
the *Earle of Murray*. The Assemblie ordained them, with concurrence of
two Brethen of every one of the Presbyteries of *Angus* and *Meernes*, to
proceed against him for the said cruel fact, according to the Acts of the
Assemblie.

Mr Craig's
Cate-
chisme al-
lowed.

The forme of Examination before the Communion, penned by Mr
Craig, was allowed by this Assemblie; and Ministers willed to recom-
mend it to their flocks, and to families, and to be learned in Lecture-
Schools in stead of a Catechism.

A Parlia-
ment.

The Parliament began upon Munday the twenty ninth of *May*. At
this Parliament, they obtained a Ratification of General and Synodall
Assemblies, and Presbyteries &c. for which they had laboured many
years. Chancellour *Maitlan* was a chief Instrument, in moving the
King to passe it as this time; which he did to pleasure the Ministers of-
fended at him, for hounding-out of *Huntlie* against the *Earle of Murray*,
as was thought: because of the favour he carried to *Bothwell*. The tenor
of the Act herefolloweth.

*The Ratification of the Libertie of the true Kirk, of General
and Synodall Assemblies, Presbyteries and Discipline;
and Lawes in the contrarie abrogated. June 1592.*

Our Sovereign Lord and Estates of this present Parliament, following
the lovable and good example of their Predecessors, have ratified & ap-
proved, & by the tenor of this present act ratifies and approves all Liber-
ties, Priviledges, Immunities and Freedoms whatsoever, given and
granted by his Highness, his Regents in his name, or any of his Prede-
cessors, to the true and holy Kirk, presently established within this Re-
alme, & declared in the first Act of his Highness Parliament, the twen-
ty day of *October*, the year of God 1579. years. And all and whatsom-
ever Acts of Parliament, and Statutes made of before by his Highness, &

his

his Regents, anent the libertie and freedom of the said Kirk: And specially, the first act of Parliament holden at *Edinburgh* the date is, fourth day of *October*, the year of Gods 811 years, with the whole particular Acts there mentioned; whilk shall be als sufficient, as if the same were here expressed: And all other Acts of Parliament made sensine in favour of the true Kirk. And *scilicet* ratifies and approves the General Assemblies appointed by the said Kirk; and declareth that it shall be lawful to the Kirk and Ministers, every year at the least, and oftner *pro re nata*, as occasion and necessitie shall require, to hold and keep General Assemblies providing that the Kings *Maj* or his Commissioners with them, to be appointed by his Highness, be present at ilk General Assembly, before the dissolving thereof, to nominate and appoint time and place, when and where the next General Assembly shall be holden: And in case either his *Maj* or his said Commissioners, be present for the time in that *Town*, where the said General Assembly shall be holden, then and in that case, it shall be let some to the said General Assembly by themselves, to nominate and appoint time and place, where the next General Assembly of the Kirk shall be kept and holden, as they have been in use to do thirtie times by pass. And also ratifies and approves the Synodal or Provincial Assemblies to be holden by the said Kirk & Ministers, twice ilk year, as they have been, & are presently in use to do, within every Province of this Realme. And also ratifies and approves the Presbyteries & Particular Sessions, appointed by the said Kirk, with the whole jurisdiction & Discipline of the same Kirk, agreed upon by his *Maj* in Conference had by his Highness, with certain of the Ministers convened to that effect. Of the which articles the tenor followes.

Matters to be treated in Provincial Assemblies.

Thir Assemblies are constitute for weightie matters, necessar to be treated by mutual consent, and assistance of the Brethren within the province, as need requires. This Assembly hath power to handle, order & redress all things omitted, or done amiss in the particular Assemblies. It hath power to depose the Officebearers of that province, for good and just causes, deserving deprivation. And generally thir Assemblies have the whole power of the particular Elderships, whereof they are collected.

Matters to be treated in the Presbyteries.

The power of the Presbyteries is to give diligent labour in the bounds committed to their charge. That the Kirks be kept in good Order. To enquire diligently of all naughtie and ungodly persons; and to travel to bring them in the way again by admonition, or threatening of Gods Judgements, or by correction. It appertains to the Eldership to take head, that the Word of God be purely preached within their bounds, the Sacraments rightly ministred, the Discipline intainted, and Ecclesiastical goods incorruptly distributed. It belongs to this Kinde of Assemblies, to cause the Ordinances made by the Assemblies, Provincial, National and General, to be kept and put in execution; to make Constitutions, which concern the Kirk, for decent Order in the particular Kirks where they Governe; providing that they alter no rules, made by the Provincial or General Assemblies, and that they make the

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Ancient particular Kirks.

If they be lawfully ruled by sufficient Ministrie and Session, they have Power & Jurisdiction in their own Congregation, in matters Ecclesiastical. And decernes and declares the said Assemblies, Presbyteries and Sessions, Jurisdiction and Discipline thereof foresaid, to be in all times coming most just, good and godly in the self; notwithstanding of whatsoever Statutes, Acts, Canons, Civil or Municipal Lawes, made in the contrair. To the which and every one of them this presents shall make express Derogation. And because there are diverse Acts of Parliament, made in favours of the Papistical Kirk, tending to the prejudice of the Libertie of the true Kirk of God, presently professed within this Realme, of the Jurisdiction & Discipline thereof, which stand yet in the Books of the Acts of Parliament not abrogated nor annulled. Therefore his Highness and Estates foresaid have abrogated, cassed and annulled; and by the tenor hereof abrogats, casses and annulls all Acts of Parliament, made by his Highness Predecessors, or any of them, for maintainance of Superstition and Idolatrie, withall and whatsoever Acts, Lawes and Statutes made at any time; before the day and date hereof, against the Libertie of the true Kirk, Jurisdiction and Discipline thereof, as the samine is used and exercised within this Realme.

And in special, that part of the Act of Parliament holden at *Stirling*, the fourth of *November*, the year 1443. commanding Obedience to be given to *Eugenius* the *Pope* for the time. The Act made by *King James* the third, in his Parliament holden at *Edinburgh* the twenty fourth of *Februar* 1480. And all other Acts, whereby the *Popes* Authoritie is established. The act of *King James* the Third, in his Parliament holden at *Edinburgh* the twentie of *November* 1469. touching the Saturday and other Vigils, to be holy dayes from evening song to evening song.

Item, that part of the Act made by the *Queen Regent*, in the Parliament holden at *Edinburgh* the first of *Februar* 1551. giving special licence for holding of Pasch and Yule. Item, the Kings *Ma.* and Estates foresaid declare, that the 129. Act of Parliament holden at *Edinburgh* the 22. of *May*, the year of God 1584. shall no wayes be prejudicial, nor derogat any thing, to the Priviledge that God hath given to the Spiritual Office-bearers in the Kirk, concerning Heeds of Religion, matters of Heresie, Excommunication, Collation or Deprivation of Ministers, or any such like essentiall Censures, specially grounded, and having warrant of the Word of God.

Item, Our Sovereign Lord & Estates of Parliament foresaid abrogat, casse and annul the Act of the same Parliament, holden at *Edinburgh* the said year 1584. granting Commissions to Bishops, and other judges constituted in Ecclesiastical causes, to receive his Highness Presentations to benefices, to give Collation thereupon, and to put order in all causes Ecclesiastical: which his *Ma.* & Estates foresaid declare to be expired in the self, and to be null in time coming, and of none avail, force nor effect. And therefore ordaines all Presentations to benefices, to be di-

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rected to the particular Presbyteries in all time coming, with full power to give Collations thereupon; and to put order to all matters, and causes Ecclesiastical, within their bounds, according to the discipline of the Kirk: providing the foresaid Presbyteries be bound and astricted to receive, and admit whatsoever qualified Minister, presented by his Ma. or laick patrons.

There were also other Acts made at this Palliament in favours of the Kirk, which the Reader may finde among the printed Acts; namely an Act, that unqualified persons being deprived, the benefices vaike, and the Patron not presenting, that the right of presentation appertain to the Presbyterie. An Act against erection of Kirk lands and teyndns in temporal Lordships: against markets on the Sabbath-day.

Upon the 27. of *June* after, *Bothwell*, accompaigned with a number of horse-men, specially border-men, beset the Palace of *Falkland*. But the Gentlemen of the Countrey rising, they were scattered, and fled.

Upon friday the 17. of *November*, *Mr Robert Pont*, *Mr Andrew Melvine*, *Mr Robert Bruce*, *Mr David Lindsey* and some of the Kings Ministers were directed to the King. They laid before him the dangers, hanging over the Church & Commonwealth: He acknowledged, that it was so, and condescended to a commission to be given to some Ministers, for taking away of deadly feuds among Noblemen and Barones, professing the true Religion. Farther, He granted, that some missives should be directed to some well affected Noblemen and Barones, to desire them to repair to *Edinburgh*, to consult upon meanes, how to disappoint the designs of the Adversaries.

The proceedings of the Ministers, conveyened at this time, to prevent the dangers imminent, here follow, as they were set down by *Mr James Melvine*, in his memorals.

At *Edinburgh* the 15, 16, 17, 18, 19, and 20. dayes of *November* 1592.

The which dayes, the Brethren conveyened from diverse parts of the Countrey, to prevent the dangers imminent to Religion, and Professors thereof, after calling on the Name of God, having communicated mutually their intelligence, have found the enemies of the truth, within this Countrey, very diligently labouring for the subversion of Religion, and sundrie cruel and dangerous plots concluded, & intended to be execute with all possible diligence; unless the Lord of his mercie disappoint their enterprises. For remedie whereof it is concluded; that there be an Universal Fast in all the Kirks of the Countrey, the 17. and 24. dayes of *December* next; that by true humiliation and unsained repentance, the fearful judgements of God, that hang over this land, may be prevented.

The causes of the fast. 1. The Practices of the enemies, within and without the Countrey, intending to execute the bloodie decree of the Council of *Trent*; against all that publickly professe the true Religion, to the utter subversion thereof, and of the Kings State and Person; whose standing and decaying they acknowledge to be joined with the standing and decay of Religion. 2. A fearful desolation of the greatest part of the Countrey, perishing in ignorance through want of Pastors; and sufficient meanes to entertaine the word among them; with a carelesnes of the Magistrats to provide remedie. 3. A fearful defection of a great number of all Estates to Papistrie, and Atheism; specially of the Nobilitie,

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through the resorting and trafficking of Jesuits, Seminarie - Priests, and other Papists, without execution of any Law against them. 4. The General Disorder of the whole state of the Commonwealth, overflowing with all kinde of impietie, as Contempt of the Word, Blasphemie of the Name of God, Contempt of the Magistrate, Treason, Shedding of Innocent blood, Adultery, Witchcraft and other abominable crimes. These causes to be enlarged at the discretion of every Brother, according as he shall have sure knowledge and sense of the premises.

Item, It is ordained, that every Presbyterie travel within their bounds, to inform the special and best affected Gentlemen among them, of the practices of the Enemies, and to move them to be upon their guard, and in readines upon advertisement, for defence of the Religion, and the Professors thereof; and resisting of the Enemy, and to take up and compose all feuds, namely among them that are true Professors; or at least assurances, where full agreement cannot be presently procured, and to receive their subscriptions to the general Band; at least, where it shall be thought requisite, at the discretion of every Presbyterie. And because the Presbyteries underwritten, for diverse considerations, crave the assistance of some of their Brethren, the Brethren here convened have appointed *Mr Robert Pont*, to concur with the Presbyterie of *Aberdeen* for the effect above written, *Mr Robert Rollock* with the Presbyterie of *Dalkeith*, *Mr Robert Bruce* and *Mr David Lindsey*, with the Presbyteries of the West, for taking up of the deadly feuds betwixt the *Master of Eglintoun* and the *Earle of Glencarne*, the *Lairds of Garleu* and *Blarquhan*: And to this effect, that they obtain his *Maj.* Commission, and procure that his *Maj.* Commissioners may be directed with them, and they to attend on this, as their leisure will serve: And in the meantime, that his *Maj.* Letters be obtained to move the parties to assure, and the Presbyteries to travel, so far as they may, by their own Labours.

Item, that the Brethren acquaint themselves with the Histories of the crueltie of the Confederats with the Council of *Trent*, praised against the faithful in other Countreies, and informe their Congregations thereof: As likewise of the like crueltie against themselves, if they prevail in their wicked attempts: and in respect of the subtiltie and secret craft of the Adversaries, who now have learned to dissemble so deeply their proceedings, that special sute be made to God in our publick Prayers, that the plots, and hid practices of the Enemies, may be discovered, brought to light and disappointed.

Item, It is ordained, that there be an ordinarie Council of the Brethren underwritten, viz. *Masters Robert Bruce, David Lindsey, Robert Pont, John Davidson, Walter Balcanquel, James Balfour, Patrick Galloway, John Duncansone*, who shall convene ordinarily every week once, and oftner as occasion shall crave, to consult upon such advertisement, as shall be made unto them from diverse parts of the Countrey, or otherwayes; and *providere in omnibus, ne quid Ecclesia detrimenti capiat*. And for the better execution of these Conclusions, it is ordained, that there be an ordinarie Agent in *Edinburgh*, to attend upon them, *Videlicet*, *Mr James Carmichael*, till the next General Assemblie, whose Office shall consist in these points following.

Imprimis, He shall travel diligently by all means to be informed of the practices of Papists, as by Merchants and Passengers coming from other Countreies, and all such as from any part of this Countrey resort unto

Edinburgh:

Edinburgh: For which cause also the Ministers, in every part, are desired to make a careful advertisement of all kinde of practices against Religion of all Papists, Jesuits, and Refettters of them within their bounds; and all other grosse enormities, that shall fall out, and come to their knowledge, in forme as after followeth. *Mr Andrew Carnbie* and *Mr George Monro* for *Ross*; *Mr Thomas Howison* for *Inverness*, and *John Forrester* for *Forres*. shall send their Advertisements to *Mr Alexander Douglas* Minister at *Elgin*. *Mr Alexander Douglas* for *Elgin*, shall send to *Mr Peter Bleckburne* Minister at *Aberdeen*. *Mr George Hay* for *Bamfe*, *Mr Ja. Duffe* & *Mr Gilbert Garden* for *Strabogie*, *Mr George Strauchan* for *Marr*, *Mr George Paterson* for *Gareoch* & *Mr Duncane Davidson* for *Dear*, shall send to *Mr David Cuninghame* Minister at *Aberdeen*. *Mr Peter Bleckburne* and *Mr David Cuninghame* shall send their Advertisements to *Montrose*. *Mr Andrew Mill* for *Mearnes*, *John Durie* for *Brechen*, *Mr Arthure Furbie* for *Arbroth*, *Mr James Nicolson* for *Meegle*, shall send to *William Christison* Minister at *Dundie*, *William Christison* shall send to *Adam Mitchel* Minister at *Couper*, and *Mr Adam* to *Mr Thomas Bigger* Minister at *Kinghorne*; and *Mr Thomas* to *Mr Walter Balcanquell* Minister at *Edinburgh*. *Mr William Glas* for *Dunkelden*, shall send to *Mr John Malcolm* Minister at *Perth*; *Mr John Malcolm* to *Mr Walter Balcanquell* Minister at *Edinburgh*; *Mr William Sterline* for *Dumblane*, *Mr Patrick Simpson* for *Stirling*, *Mr John Spotswood* for *Linlithgow*, *Mr Adam Johnston* for *Dalkeith*, *James Gibson* for *Hadintoun*, *Mr Robert Hepburne* for *Dumbar*, *Mr Archibald Douglas* for *Peebles*, *John Clappertoun* for *Huton*, *Mr William Methuen* for *Dunee*, *Mr John Knox* for *Melrose*, *Mr Andrew Glayhills* for *Leith*, *Mr Hugh Foulertoun* for *Dumfries*, *Mr David Blyth* for *Kirkcudbright*, *Mr James Davidson* for *Wigtown*, *Mr Andrew Hay* for *Glasgow*, *Mr Robert Darroch* for *Hammiltoun*, *Mr Robert Lindsey* for *Lanerk*, *David Fergusone* for *Dumfermline*. All these shall send their Advertisements directly to *Mr Walter Balcanquell* Minister at *Edinburgh*. *John Porterfield* for *Ain*, *Mr Robert Wilkie* for *Inverurie*, *Mr John Ross* for *Dumbartoun*, *Mr Andrew Knox* for *Paisley*, shall send to *Mr Andrew Hay* in *Glasgow*, and he to *Mr Walter* in *Edinburgh*; *Mr Andrew Melvine* for *St Andrews*, *Mr Thomas Buchanan* for *Couper*, shall send to *Mr Thomas Bigger* Minister at *Kinghorne*, and he to the said *Mr Walter*: and *Mr David Spence* for *Kirkcaldie* to the said *Mr Walter*. Providing that if any of the Brethren above-named have the commoditie of a trustie bearer otherwayes, or if the matter be of such weight, that it will not suffer delay, in that case, they shall send to *Edinburgh* to the said *Mr Walter* immediatly. And to the end that the foresaid Brethren may have the more sure intelligence, it is ordained, that every Brother within the Presbyterie, shall give them sure information, at all occasions needful.

Secondly, After that the said Agent shall receive these Intelligences and Advertisements, he shall at the first meeting communicate them to the Council of the Brethren; and if the matter require haste, the Agent shall convene the Council; and if it be found by them needful to require farther advice of other Brethren, the said Agent shall convocate them by his Letters, according as he shall have direction from the Council.

Thirdly, Whatsoever shall happen to be concluded by the Council of the Brethren, & to be suited at his *Ma.* Council, Session, Provost and Bailifes of Burrowes, Baroners or others whatsoever, the said Agent

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shall attend diligently for executing thereof, and report his diligence to the Council.

The said Agent shall seek out and extract all Letters, Acts and Decrees, concerning the cause committed to him, and communicat them, together with the Conclusions of the Council, to such Presbyteries and parts of the Countrey, as the Council shall direct, according to the forme, and by the persons above-named, *ordine retrogrado*.

The said Agent shall write the memoirs of the Kirks proceedings and dealings with the Prince, Council and Estates of the Realme from time to time, since the Reformation of Religion, to be a monument to the Presbyteries. And for that effect it is ordained, that from all Presbyteries, Scrolls, writes and pieces, which are in the custodie of any Brethren, shall be directed to *Mr VValter Balcanquel*, to be directed to him; and likewise all proceedings and dealings, which the Kirk shall have with the King, shall be noted by him hereafter, &c.

Item, It is ordained, that there be a common purse, for furnishing of necessarie expenses for the affairs foresaid, without which they cannot take effect. And that for the present *Mr Robert Bruce*, with such as he thinketh good to associat to himself, shall make known the want of these common expenses, in so dangerous a time, to such men of all Estates, as he knoweth to be well affected; that by their liberalitie this want may be supplied, until some good ordinarie meane be found out for that effect; and that the summes collected be put in a box, whereof there shall be two or three keyes, in the hands of two or three Brethren in the Council, who shall deburse thereof, as the said Council shall command them.

Item, It is ordained, that the said Council shall travel earnestly with his *Ma.* and Council, that the Articles following may be granted.

That his *Ma.* by publick Proclamation, make his good affection towards Religion, and the Professors thereof, known to the whole Subjects, and promise to maintaine and defend it against all Enemies without and within, to the uttermost of his power, and that he account all the Enemies thereof, to be Enemies to his Estate and Person, and to his Commonwealth; and charge his whole Subjects to joine themselves in unitie and profession of the true Religion, professed within this Countrey; and subscribe the General Band for maintenance thereof against whatsoever Enemies, which shall be presented to them by the Ministers.

That a Commission be granted to some of the best affected Noblemen, Barons and Gentlemen, and Magistrats within Burrowes, that is to say, to the Provost and Bailifes of every Burgh within their bounds and liberties, *Robert Earle of Orknay*, *James Lord Zetland*, *Michael Balfour* of *Monquhannie* for *Orknay*, &c. to execute all Acts of Parliament against whatsoever Jesuits, Seminarie Priests, Excommunicat and trafficking Papists, and their Resettlers; and to cause make weapon-showings, and to convene the Countrey in armes, upon all occasions needful, for defence of the true Religion, and resisting the Enemies thereof.

That a sufficient number of the wisest of the Noblemen, Barones, and best affected to Religion, his *Ma.* Estate and standing, and the well of this Commonwealth, be appointed to attend upon the Secret Council, and make their residence in *Edinburgh* this winter, and longer, till the Conspiracies, Plots and Attempts of the enemies of Religion, within this Countrey, be disappointed and repressed.

That all Papists, and Practisers against Religion, be removed from his

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Ma. companie; and debarred from all publick Charge, Commission, Lieutenantie or publick Office.

That all Skippers and Masters of ships shall presente to the Magistrats, and Councel of the place, where they shall arrive, all passengers, merchants, and others that shall come within their ships, who shall give their Conscience and Oath of all packets of Letters, or books whatsoever, which they have received at any port, since their departure, to be delivered to any Person, or Persons; or Packets, or Books, Coffers or Chists, delivered to any whatsoever, under the pain of Confiscation of ships, and goods.

That a Commission be given to the persons under-written to set down a constant forme of provision for Ministers stipends, at every congregation within this Countrey; and that it be ratified in Councel, Chequer and Session, to have the strength of a Law till a Parliament, and then to be ratified by the whole Estates.

Lastly, It is ordained, that there be a General Assemblie holden at *Edinburgh* the ninth of *Januar* next to come, in case the Parliament hold; and if the Parliament be continued, that the Presbyterie of *Edinburgh* give advertisement to the Brethren of all Presbyteries, lest they make their travel in vain.

Master *James Melvine* and Mr *James Nicolsone* were appointed to put these Overtures in forme.

By these overtures, the Reader may perceive, how vigilant the Ministers were, and careful to suppress and overthrow the plots and machinations of Papists, seeking the overthrow of Religion.

The Fast began upon the Lords day the 17. of *December*. The fruit appeared immediatly after, in the discovery of a strange Conspiracie. Mr *George Ker*, Brother to *Mark Ker Lord Newbattle*, being readie to embark at the west sea bank, and to passe to *Spaine*, was apprehended by Mr *Andrew Knox* Minister at *Paisley*, accompanied with some Scholars of *Glasgow*, and others, upon the twentieth seventh of *December*. His coffers were searched, wherein were found diverse Letters. He was brought to *Edinburgh* upon the last of *December*, and committed to prison.

The Earle of *Angus*, coming to *Edinburgh* the first of *Januar*, was watched all that night by the Citizens, and the day following was conveyed to the Castle, at the command of the Secret Councel, by the Magistrats of *Edinburgh*, accompanied with two hundred Citizens.

The Letters, intercepted with Mr *George Ker*, were opened-up in the Councel, before a number of the Ministrie. The King was desired by a Letter from the Councel, and another from the Ministers, to come to *Edinburgh* with diligence: which he did. The Councel, the Ministers and the Magistrats of *Edinburgh*, related all their proceedings to him; which he seemed to approve, and promised to hold hand to the prosecution of this cause; and desired the Ministers to signifie this his intention to the people, & to commend Him and the Action in their prayers to God. He called *Angus* a traitour of traitours. Upon the Lords day the seventh, Mr *Robert Bruce* exhorted him to execute Justice, or else, said he. the Chronicles would keep King *James* the sixth in memorie to his shame.

The intercepted Letters and blanks were subscribed by *George Earle* of *Huntlie*, *Francis Earle* of *Arral*, *William Earle* of *Angus*;

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Mr *George Ker* apprehended & warded.

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Angus warded.

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the Lairds of *Auchindoun*, *Fentrie* and other Practisers, some in Latine, some in French. The blanks were to be filled up by Mr *William Crichtoun*, who was for the present in *Spaine*. The Principal Letters are extant in print, in a book intituled *A discoverie of the unnatural and traiterous Conspiracie of Scottish Papists against God, his Kirk, the Kings May. Person and Estate*. For understanding of the borrowed and counterfite names, the interpretation is set down in the margine of these printed Letters; which interpretations are contained in the original Depositions of the Chief Practisers, & in some of the intercepted Letters.

In the Letter subscribed by an English Jesuit, called *Joan Cecilio*, dated at *Setoun* the second of *October*, and directed to a certain Father, he hath these words. *My Lord Setoun hath a haven of his own, which may be hereafter very commodious for our Missives. Commend, I pray you, to F. Barth. per Sc. Master Dudley, Ilperknight & John Thuels, which, upon some sudden pushes of persecution, make their repair hither, are in health, and salute you. And Master Syal a Priest died here lately in Edinburgh. If ye send any unto these parts, let them come furnished with als ample faculties, as ye may. Let them enquire for one Master Jonas, which will be a token betwixt us.*

In the Letter, directed by the Earle of *Angus* to Mr *William Crichtoun*, all written and subscribed with his own hand, and dated at *Edinburgh* the tenth of *October*, he hath these Words. *The present bearer (videlicet Mr George Ker) can informe you of such things as occur with us; for we are here dayly subject to alteration. You may credite him as my self; for so his vertues do merite. It is not needful I trouble you with his recommendation: Seing he is to you that he is: You know his honestie and good intention, and the causes of his parting, to whose sufficiency referring the rest, my heartie salutations and my bedfellows, with all our companie, young and old, remembred unto you &c.*

In the Letter, directed from Mr *Robert Abercrombie*, calling himself *Robert Sandeson*, to Mr *William Crichtoun*, whom he calleth *George Craufurd*, dated at *Scotland* the 15. of *December*, he hath these words. *After my due and humble salutions, and offer of service, I regrate and lament heavily the sloth and negligence, your merchants have used in answering of your last suit, you proponed to them; for apparently if they had made answer in due time, our wares had been here in due time, to our great profite & consolation. The stay & stop of the matter apparently was lack of expenses, that no man would upon his own charges take that voyage in hand; yea some craved a thousand crownes for his expenses. So the matter was once wholly given over, & almost clean forgotten, until it pleased God, of his divine providence, to stir up this bearer to take the turn in hand, upon his own expenses; as he hath been ever bent in that cause, not only to spend his goods, but also the thing that is more dear to him, that is, his life. In the end of the Letter he hath these words. My Lord *Levingstoun* hath departed this world. You heard before that *David Forrester* (that is *David Graham* of *Fentrie*) had a Sonne, & now hath another, borne in the Castle of *Stirline*, where he is in ward hardly handled. There is but one of our Nobilitie here, which hath of the King of *Spaine* a Pension well payed of twelve hundreth crownes, which appearantly are evil bestowed. For he, nor none of his as yet, have ever done any kinde of good, in the promotion of the Kings Matters. Wherefore such Pensions were better bestowed upon others, who travel dayly and hourly, putting in hazard*

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both their goods and lives, as this bearer hath done, and dayly doth, and others, as he can shew you.

The Letter, directed from Mr James Gordoun to Mr William Crichtoun, I have here set down whole; because most material.

Trust friend, after most heartie commendations, your friends that are here have directed this present bearer to you, for full resolution of all your affairs in these quarters. We have delayed over long, I grant, but he will shew you the cause of all. The next best is, ye use all expedition in time coming against the next summer, otherwayes ye will lose credite here with Factors. If ye come, ye will finde moe friends, nor ever ye had; but otherwayes, ye will finde fewer: because the next summer many are resolved to go to other Countreyes, & will not abide on you longer. Haste home here some word to your friends, that we may put them in good hope of you, & they will tarrie the longer. The bearer is an honest man, & very sufficient. Ye may credite him as my self. I should have come with him my self, were it not that I was perswaded, that ye would remain on our answer; and because I got a stop out of *Flanders*, as the bearer can shew you. Ye have gotten all that ye desired; therefore make haste. The bearer is come to you on his own charges: therefore ye must have respect to him. The last bearer that ye sent, came here behind the hand, & hath gotten no satisfaction as yet; because nothing could be gotten here, & we could finde no man but this, that would passe on his own charges; and I feared that if he had not come upon his own expenses, ye should not have received answer so soon: therefore ye should treat him the better. We will abide here your self shortly; & I would ye brought the rest of your friends with you, that are beyond sea: for if your bargane passe foreward, they must be also present; otherwise we must come and visite you. All other affairs of this Countrey, I will commit to the bearer, who is faithful. Your wife and your bairnes commend them to you, and look to see you shortly. If I, or *Sunderfon* your friend, receive any silver from the bearer, ye shall be advertised by another ticket, how much it is, and subscribed with both our hands. The rest I will refer to the bearer. God preserve you ever from all evil. At *Dundie* the 20. of November 1692.

Yours most affectioned at all his power
J. CHRISTESON.

Direct on the back
To his assured friend *George Craufurd*.

Upon tuesday the ninth of *Januar*, sundrie of the Ministrie & some Barones convened in Mr Robert Bruce his galrie, & agreed upon these Articles following to be proponed to the next Convention: That the Persons, who were already in hands, be tried presently; & sufficient order taken for making them sure, that were out of hands: And in case of absenting themselves, that they be forfaitured. That some be chosen out of the Nobilitie, some Barones, some Ministers, some Burgeses, some of the Secret Council, to be on the triall. That no Papist, nor any suspect of Papistrie, have place in that action. That all Papists, or suspected of Papistrie, Excommunicats, Jesuits &c. be presently removed from Court, & all Office of Government in the Realme. The Laird of *Barganie*, *Abbotshal*, *Merchinsoun*, *Faudonside*, the Provost of *Linlithgow*, *William Little*, *Duncan Balfour* of *St Andrews*, Mr Robert Bruce, Mr Andrew Melvine, were

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M. I. Gordoun's Letter to M. W. Crichtoun.

M George Ker.

Relative to the blanks.

The Spanish Armies

The Catholic Roman & their confederats. Mr Robert Abercrombie.

Mr James Gordoun.

Mr William Crichtoun.

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appointed to be speakers. While they were to go down afternoon to the Kings Palace, the Duke, the Earle of *Marr*, the Master of *Glames*, Mr *David Lindsay* were instant with them to stay, alledging the King was highly offended with that meeting. By their instant dealing, they were stayed almost an hour; till at last the Lord *Lindsay* brake off, & said, I will go down with the Barons, go who will. So they went down accompanied with the Magistrats, many of the Citizens, and others, to the number of a thousand men and above, to the Kings Palace. Mr *Robert Bruce* and Mr *David Lindsay* went up first to make way, but were not admitted to speech for the space of an hour and an half; at last all were let in to the great Hall, that might have place. The King condemned them for meeting without his warrant; but excused them, because of their zeal; desired to make him their back, and then all should be well. It was answered, that the Councel gave direction for that meeting: That it was not time to stay upon warnings, when Religion, Prince, Countrey, their Livings and Lands were in such jeopardie. The King confessed, the crime of the Traffickers, and Conspirators, was of the nature of these things, which were above him, and with which he could not dispense; & therefore promised to take trial with diligence, and punish them with severity to their contentment.

Huntlie sent his excuse upon the fifth of *Februar*, that he might not enter for fear of his Enemies, and offered to depart out of the Countrey. Upon Tuesday, the thirteenth at night, the Earle of *Angus* escaped out of the Castle of *Edinburgh*. Upon Thursday, the fifteenth, *David Graham* of *Fentrie* was convicted of Treason by an Assise of Barones and Burgeses, & beheaded at the market Crosse of *Edinburgh*, far beyond the expectation of many. A ticket notwithstanding was affixed that night upon Mr *James Johnstoun's* booth door, bearing advertisement to the Ministers, that there was no true meaning in the roade intended toward the North. For *Angus* had escaped out of Prison, not without moyen of Court, and his Sonne was in feoff in the Earldom.

The depositions of Mr *George Ker* and *David Graham* of *Fentrie*, as they are extant in the Book, printed about this time *cum Privilegio*, and intituled *A discoverie of the unnatural and traitorous conspiracie of the Scotish Papists against God, his Kirk and their native Countrey, and the Kings Ma. Person and Estate*, here follow.

By the confessions and depositions of Mr *George Ker* and *David Graham* of *Fentrie*, it is discovered, that in March 1591. Mr *William Crichtoun* (who hath remained these two years bygone in *Spaine*) sent to Mr *James Gordoun* Jesuit, Father Brother to *George* now Earle of *Huntlie*, a Gentleman called Mr *William Gordoun*, sonne to the Laird of *Aberzeldie*, with Letters, to let the Catholicks here understand, what travel Mr *William Crichtoun* hath taken with the King of *Spaine*, since his coming there; and that the said King had opened to him, that he had been deceived by English men, and would from that time forth embrace the advice and way, which the said Mr *William* would shew him, both for invading of *England*, and alteration of Religion within this Realme. And for that effect, the said Mr *William* craved by this Gentleman to be sent to him so many blanks and procurations, as could be had of Noblemen here, for the assurance of his traffick. Upon the sight and receipt of which blanks, sent with some other discreet Gentleman, having the Noblemens commission to be filled-up with such conditions, as should

Deponed
by Mr *George Ker*
the 3, 5, &
6. of *Fe-*
bruar 1592

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be capitulat, and agreed upon betwixt the King of Spaine and Mr VVilliam Crichtoun, which should have served as pledges and sureties for the subscribers part, at the landing here of the Spanisli Armie. It was concluded, that there should have been sent out of Spaine, about the latter end of the spring in this present Year 1592. an Armie of thirtie thousand men, to have landed either at Kirkcudbright, or at the mouth of Clyde; according to the opportunitie of the winde; where they should have entrenched, and fortified themselves, for the assurance of them and their ships.

And first of all, money should have been sent to the Catholicks here, for raising of forces to supplie the said armie, whereof four or five thousand should have remained within this Countrey, who with the fortification and assistance of the Noblemen-Catholicks their friends, and such other forces, as the Spanisli money would raise, should have, immediatly after their landing, begun to alter the Religion presently professed within this Realme, or at least procured libertie of Conscience; and Papistrie to have been erected here, and the rest of the armie should have past toward England, the neereſt way from their landing to the border.

These Letters sent from Mr VVilliam Crichtoun, being concrated by Mr James Gordoun to Mr Robert Abercrombie, were shewed by him to David Graham of Fentrie, at Abernethie in April 1592.

And for effectuating of this matter, it was once thought most convenient, that Sir James Chisholme, who was then one of his Ma. Master-housholds, should have gone to Spaine with this Commission, in respect he was otherwayes purposed to go to his uncle Mr VVilliam Chisholme, called Bishop of Dumblane. For Sir James had the first credite of this errand with the Noblemen, as he declared to David Graham of Fentrie, that he had dealt with the Earles of Huntlie, and Errol; & conferred with Mr George Ker anent this matter, about the time of the last Parliament holden in Edinburgh in June 1592. As also intercommuned again in his own house with the same Mr George in October 1592. touching the whole heads of this dispatch. But Sir James not being able to be so soon readie, and Mr George Ker intending to go off the Countrey, it was thought best, that the same Commission should be given to him, & that he should undertake the carrying of the said Letters; and so he was employed in that errand the rather, because both his Grand-mothers were Crichtouns.

Thereafter Mr George intending this Journey, and being readie to make sail out of the Fairlie road at the West-sea-bank, upon the 27 of December 1592. Then (by Gods providence) the said Mr George was apprehended in the Ile of Cumray, and with him there were intercepted sundrie Missive Letters, directed to this purpose, among which there were eight blanks, Whereof one is subscribed

De vostre Majestie, tres humble & tresobesant Serviteur, GUILLIAM Compte de Anguls.

Another blank is subscribed

De vostre Majestie, tres humble & tresobesant Serviteur, FRANCOIS Compte de Errol.

And thir two blanks were both procured of them by Sir James Chisholme

1593.

And depōned by David Graham of Fentrie the 13. of Februar 1592 depōned by Maſter George Ker the 3. of Februar 1592

Depōned by Mr George Ker 3. of Februar 1592. and by Fentrie the 14. of Februar 1592. Depōned by Fentrie the 14. of Februar 1592.

Depōned by Fentrie the 13. of Februar 1592.

Depōned by David Graham of Fentrie the 13. of Februar 1592.

Depōned by Fentrie the 13. of Feb. 1592.

Depōned by M. G. Ker the 3. of Februar 1592.

holme

1593.

holme in their own lodgings in *Edinburgh*, at the time of the last Parliament in *June 1592*.

Another blank is subscribed,

GULIELMUS *Angusie Comes*.

Deponed
by M. G.
Ker 3. of
Feb. 1592.

Another blank is subscribed,

FRANCISCUS *Errolie Comes*.

Deponed
by Fentrie
the 13. of
Feb. 1592.

Which were both procured of them by *Mr Robert Abercrombie*, who was the chiefeft traveller in that matter, in *October 1592*.

Another blank is subscribed,

GEORGIUS *Comes de Huntlie*.

And another is subscribed,

GEORGIUS *Comes de Huntlie*.

Deponed
by M. G.
Ker 3. of
Feb. 1592.

Which were both with the whole blanks proponed first to the *Earle of Huntlie*, by *Mr George Ker* in *Strathbogie*, at his passing there.

Which six several blanks, before specified, should have been all filled up with *Missive Letters* by the Advice of *Mr VVilliam Crichtoun*.

Deponed
by M. G.
K. 3. of
Februar
1592. and
by Fentrie
14. of Fe-
bruar 1592.

And the other two blanks, making out the number of eight, were both subscribed, in the midst of two open sheets of paper, in this manner.

GULIELMUS *Angusie Comes*.

GEORGIUS *Comes de Huntlie*.

FRANCISCUS *Errolie Comes*.

PATRICIUS *Gordoun de Auchindown Miles*.

Deponed
by M. G.
K. 3. of
Feb. 1592.

Which two last blanks were first subscribed by the *Earle of Huntlie* and *Patrick Gordoun* in *October 1592*, and thereafter, being sent with *Mr Robert Abercrombie* to the *Earles of Angus and Errol*, were subscribed by them, in the same moneth of *October 1592*. & these two blanks should have been filled up with *Procurations*, and whatsoever should have been thought meet by the said *Mr VVilliam Crichtoun*, for the allowance of that which *Mr George Ker* had in direction and credite of the subscribers: which credite he received from the *Earle of Huntlie*, by the report of *Mr James Gordoun*; and from the *Earles of Angus and Errol* by themselves in *Edinburgh*, in the beginning of *October 1592*.

Deponed
by M. G.
K. the 5. of
Feb. 1592.

And the summe of this his credite was an assurance, that these Noblemen should raise a power of horsemen; and meet the *Spanish Armie* at their landing, and reciprocally to Assist, Accompanie and Convey them, in their passing to *England*, by all the forces they could procure upon the *King of Spaine's* charges: & these Noblemen subscribers took the burden on them, and interponed their bands, for the concurrence of the whole *Catholics of Scotland*, in this cause; and thought it meet among themselves, for the better secrecie, that none other should be crayed to binde for this matter, but these three.

Deponed
by M. G.
K. 5. & 6.
of Februar
1592.

With these eight blanks subscribed, as said is, there were intercepted stamps in wax; of the *Earle of Angus's* seales of armes, six; of the *Earle of Huntlie's* seales of armes, four; and of the *Earle of Errol's* seales of armes, three.

Deponed
by Fentrie
the 13. of
Feb. 1592.

David Graham of *Fentrie* deponed, that he met fundrie times, since this purpose was in hand, with *Mr Robert Abercrombie*; as namely, that the first knowledge he had of this purpose, was by the said *Mr Robert* in *Dumfermline*, and thereafter in the *Castle of Stirline*, before

Mr George

Mr George Ker his preparation to his journey; where *Mr Robert* shew him, that the Commission was to be given to the said *Mr George*, to cause fill the blanks with *Mr William Crichtouns* advice; and that he was to deliver the same blanks, with the other Letters, to him, who was to depart & to carrie with him all this message: Likeas the said blanks & letters, which were procured for that errand, were all delivered by *Mr James Gordoun* and *Mr Robert Abercrombie* to *Mr George Ker*, to be carried by him to *Mr William Crichtoun* Jesuit, and to be filled up at the discretion and direction of the said *Mr William*, and of *Mr James Tyrie*, who was best acquaint with the affairs there.

All these premises are subscribed by his own hand, thus *Fyntrie*.

Unto the which this Postscript is subjoined, written with the hand of *Mr James Bannatine*, Clerk and Writer to the most part of the premises, the 14. of Februar 1592.

Earle of *Angus* was called *William Acheson*,

Earle of *Huntlie* was called *George Harvie* } to their To-names.

Earle of *Errol* was called *Fergus Adam*

The intention and purpose of the Conspirators is set forth, in an Act of Councel made at *Halyrudhouse* the fift of Januar, which is also registrat in the Acts of the General Assemblie 1594.

For as much as albeit the dangerous effects of the covered and busie travels of Jesuits, seminarie Priests, borne Subjects of this Realme, and some other strangers, these late Years, have been espied and feared; and for that cause by sundrie laudable Lawes, Acts and Proclamations, as well their own remaining, as their recept, prohibited under diverse high paines: Yet their colour and simplicitie hath so far prevailed, as they have not only purchased unto themselves favour and credite to be kept, hoorded & intertained in sundrie parts of the Realme, after many promises made, that they should have departed forth of the same; but also have taken occasion & leasure to perswade sundrie of his Highness Subjects to apostasie from that Religion, wherein they were well instructed and grounded, & have confirmed others in their errors: And at last seduced them to cast off that due obedience, which they owe to his Maj. and to enter in a treasonable conspiracie for inbringing of strangers, *Spaniards*, within his Realme the next Spring or Summer, to the overthrow of his Highness and all professing the true Religion, and to the ruine and conquest of his ancient Kingdom and Libertie, which his Nation hath enjoyed so many ages; that it may be subject hereafter to the slavery & tyrannie of that proud Nation, which hath made such unlawful and cruel conquests, in diverse parts of the World, as well upon Christians, as infidels, where ever the aid of *Spain* hath been sought; regarding in the end no better their in-bringers, nor them against whom they were in-brought, being once Victors & Commanders; as easily may be proven by special examples; which the malicious and unnatural Subjects of this Land would repete but as general, and improbable discourses, published in hatred of that Nation, to whom they have already sold themselves slaves, and their friends and factors in this Land, as they speak & write: Were it not it hath pleased the Almighty God to make the proof hereof certain, & without all doubt by detecting of the simple truth of the intention, and final cause of all the craftie practices of these pernicious trafficking Papists, Jesuits and seminarie Priests, against God, the true Religion, his Maj. and the Libertie of this Countrey:

The Act
Januar 5.

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Namely

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Namely Mr *James Gordoun* Father Brother to the *Earle of Huntlie*, Mr *Robert Abercrombie* Father Brother to the *Laird of Murthlie*. Whose Letters, Directions, Advices; yea and the Messengers carriers of their credite, and certain others, chief Instruments & furtherers of their trade, God hath cast in his *Highness* hand, when the ship appointed for their transporting was in full readines to make sail, whereby his *Maj.* is now not only sufficiently forewarned of the imminent danger to the true Religion, his own Estate & Person, his Realme & faithful Subjects; but is resolved with Gods help (by whose providence he hath been so wonderfully delivered from many former perils) to try the full circumstances of this so high a Conspiracie, & detestable Treason, to withstand it, & punish all guiltie of the same, in example to the posteritie; & that none of his Subjects, heretofore abused & deceived by the craftie Illusions of these pernicious & busie workmen, shall remaine any longer doubtful of the truth of his *Maj.* minde & intention, *Ordains* Letters to be directed to Officers of Armes, Sheriffes in that part, to make publication of the premises by open Proclamation, at the market Crosse of the Burghes of this Realme, and other places needful, for warning them of their own danger, if they shall suffer themselves to be any longer led in error by such deceivable Spirits, to the peril of their soules, bodies, lands and goods: And therefore to abstain from farther hearkening to their treasonable perswasions, and from all intertaining, recept, supplie, or intercommuning, or having intelligence with them, directly or indirectly, under whatsoever pretext or colour, under the pain of treason. Commanding also all and sundrie his *Highness* faithful and obedient Subjects, that love and fear God, with the standing and welfare of his *Maj.* their sovereign Lord and King, professing with them the true and Christian Religion, and desire that their own Wives, Children and Posteritie should now and hereafter enjoy the commodities of their native Countrey, unconquished, and made slaves in soules and bodies to merciless strangers, that they implore the protection and mercie of the Almighty God, for their defence and safeguard, & put themselves in armes by all good means they can, remaining in full readines to pursue or defend, as they shall be certified by his *Maj.* or otherwise finde the occasion urgent. In the mean time diligently espying, and getting intelligence of the treasonable courses and proceedings of the said Jesuits, Seminarie Priests, their favourers, intertainers and recepters, and make advertisement to his *Maj.* or any of his Council thereof withall speed and celeritie, as they will answer to God and his *Maj.* thereupon. *Sic subscribitur.*

JAMES REX.

What trial followed after this Act, ye have already heard. After the trial and the depositions taken, the King entred in his progresse to the North; & the *Earle of Angus* that day was summoned at the market crosse of *Edinburgh*, to compare before the King & Council at *Aberdeen* the 27. of *Februar*. The Proceedings of the King in the North, are registrat summarily in the books of the General Assemblie, in the fourth Session of the Assemblie holden in *May* 1594. where it is said, that the Noblemen and Barones conveyened, made a band for the surety of Religion, took the houses of the Apostats, and put men into them; Papists were sent unto *Edinburgh* to satisfie; Commission was given by his *Maj.* to the *Earle Marischal* of Lieutenantie for repressing of Papists and Traffickers. Diverse Barons were called in, by his *Maj.* to cognosce the hand-writs of the blanks subscribed by the Apostat Lords, who verified the same to be their hand-writs.

The

The tenor of the Band subscribed at *Aberdeen*.

We Noblemen, Barons and others undersubscribing, being fully and certainly perswaded of the treasonable practises, & conspiracies of sundrie of his Highness unnatural & unthankful Subjects; against the Estate of the true Religion presently professed within this Realme; his *Maj.* Person; Crown and Libertie of this our native Countrey; and finding his *Maj.* good disposition to prevent and resist the same, & to repress the chief Authors thereof, his *Maj.* having given concurrence and assistance to the same effect. Therefore, according to our bound dutie & zeal own to Gods Glorie, the love of our native Countrey, & affection to his *Maj.* Person, Crown and Estate, we have promitted, and by these presents promit, faithfully bind & oblige us, & every one of us, to concurre & take an easfold, leill & true part with his *Maj.* & each one of us with others, in the maintainance and defence of the libertie of the said true Religion; Crown and Countrey, from thralldom of Conscience, conquest and slavery of Strangers; and in resisting, repressing & pursute of the chief Authors of the said treasonable conspiracies: As in special of *George Earle of Huntlie*, *William Earle of Angus*, *Francis Earle of Errol*, *Sir Patrick Gordoun of Auchindoun Knight*, *Sir James Chisholme of Dundarne Knight*, *Mr James Gordoun*, *William Ogilvie*, *Robert Abercrombie*, and all other Jesuits, seminarie Priests, trafficking Papists; & others his Highness declared traitours, rebellious & unnatural subjects, treasonable practisers against the Estate of true Religion, his *Maj.* Person & Crown, & libertie of this our native Countrey. And to that effect we, & every one of us, shall put our selves in armes, rise, concurre & passe forward with his *Maj.* his lieutenants, or others having his *Maj.* power & Commission, at all times, as we shall be required by proclamations, Missive Letters; or otherwayes; & shall never shrink nor absent our selves for any particular cause, or quarrel among ourselves; we shall not ride, assist, shew favour, give counsell, nor take part with the said Earles, Jesuits or others foresaid; or with the Persons denounced; or that shall be denounced to the horne; or declared fugitives from his *Maj.* Lawes, for the treasonable fire raising; and burning the Place of *Dinnibirstle*, and murder of umquhile *James Earle of Murray*; neither reser, supplie nor intertain them; nor yet furnish them meat, drink, house nor harberie, nor otherwayes have intelligence with them, privatly or publickly, by Letters, Messengers, or other manner of way; the skaith and harme of others we shall not conceal, but disclose, and impede the same to our utter powers: the quarrel or pursute of us, or any of us, we shall esteem, like as presently we do esteem, equal to us all, and by ourselves, our whole forces. Like as his *Maj.* with his whole Force & Authoritie hath promitted, and promitteth to concurre & assist together, each one in defence of others, to our utter powers: and in case any variance shall happen to fall out among any of us, for whatsoever cause, we shall submit, like as presently we submit us to the judgement & deliberance of any two or three of the Principal of us, subscribers of this present band, and fulfil whatsoever shall be declared by them, without reclamation or contradiction. Attour his *Maj.* by whole direction & command, with advice of his Council, there are certain Barones & other Gentlemen directed to remaine in the South parts of this Realme; hath promitted, & by thir presents promites, in the Word of a Prince, that the same Barones shall not be licenced to return home again to the said North parts; neither shall any favour or pardon be granted to the said Earles, Jesuits or others abovementioned; nor no order now taken dispensed with, without the

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special knowledge and advice of the Lieutenant and Commissioner for the time, and six of the principal Barones, at the least, inhabitants of the said North parts, subscribers of the present Band. And this to do, we the said Noblemen, Barones and others foresaid, have sworn, and swear by the great God our Creator, Jesus his Sonne our Redeemer, the Holy Ghost our Sanctifier, witnesses of the veritie here agreed upon, and revengers of the breach thereof; and further oblige us thereto, under the pain of perjurie, infamie and tinsal of credite perpetually, and of honour and estimation in time coming, beside the ordinarie pains of the lawes to be execute upon us, in signe and memorie of our unnatural defection from God & his *Maj*: In witness whereof, we have subscribed thir presents with our hands, as followeth: Like as his *Maj*. in token of his allowance and approbation of the premises subscribed the same day at *Aberdeen* the day of *March* 1592. Sic subscribitur.

JAMES, REX.

Lennox, Athol, Marr, Marschel, James Lord Lindsey,
John Lord Innermeth, John Master of Forbes &c.

The King, after he had stayed a while in the North, returned to the South, & came to the Palace of *Habyrudhouse* upon the thirteenth of *March*.

After the Kings return from the roade in the North, an Act of Council was made, that none should procure at his *Maj*. for any grace or favour to the Conspirators; with a charge to his Ministers to take the Oathes of his Domeicks, that they should no wayes intercede for them at his hand.

Barron-
burghs
Commis-
sion to the
King,

Upon the eighteenth of *March*, the English Ambassadour *Barronburgh* got presence of the King. His Commission was to crave war to be denounced against *Spaine*; that the Conspiratours be pursued with all extremitie; the league betwixt the two Nations be renewed; the strengths garisoned to stop the *Spanjards* to land, and that he would chuse Professors of the Religion to be upon his Council. The King answered, as *Camdene* himself reporteth in his *Annals*, That he had sent to his Mistress information of the whole discoverie of the treason; that he had pursued the Rebels, some to the death, and some to the escheating of their goods; that he had placed Lieutenants in their bounds; that he was to forefault them at the next Parliament, that he was to chuse faithful Patriots, and sincere Professors of the Reformed Religion; that he should take the best order with the borders he could: but reason craved, that the *Queen* should assist him with money, to resist the *Spanjard*, and to repress the Rebels. At last he desired, that the *Queen* his Mistress would punish the favourers and resetters of *Botbuel*, and deliver him, if he stayed in *England*.

Huntlie, Errol, Angus, & Auchindoun were denounced the Kings rebels, upon the sixt of Februar; but were relaxed upon the 19. of *March*, and summoned to compear in Parliament the second of *June*: Upon the 25. of *March* the Laird of *Ladyland*, a chief trafficker, was set at libertie out of the jaile of *Edinburgh*, at the Kings direction, four Sureties being taken, for his reentering in ward in *Glasgow*, at the Kings pleasure. The General Assemblies convened at *Dundie* the twenty fourth of *April*. Mr *David Lindsey* was chosen Moderator.

A General
Assembly.

Some

Some Barones and Ministers were sent with some Articles to the King, wherein they craved, that Iesuits, seminarie Priests and trafficking Papists be declared culpable of treason. & lase Majestie; that thereby their ressetters may be punished according to the Acts of Parliament; and that the Act against the ressetters be extended without restriction to the number of three dayes. That all that shall be declared publickly to be Papists, howbeit they be not Excommunicat, be debarred from enjoying any Office, from access to his *Maj.* company, and from enjoying any benefite of the Lawes; as also that the pain of hornings, & other civil pains may follow upon the said declarature. That his *Maj.* would consider the great prejudice done to the Kirk, by erecting of the tithes of diverse Prelacies in temporalities, whereby the planting of Kirks is greatly prejudged; and that therefore a substantial remedie be provided.

Sir James Melvil of *Halbail*, one of the Commissioners directed by his *Maj.* presented, at his *Maj.* direction, the Act of Parliament made in *June* 1592, which concerned the ratification of the Liberties of the General and Synodal Assemblies, Presbyteries and Sessions, which the Reader may finde insert above, in its own place; & certain Articles, where, in his *Maj.* declared, that in respect he cannot of honour see the privilege of his crown hurt; therefore he will have regard to see the act of his last Parliament keept, concerning the convening of General Assemblies by his *Maj.* appointment; willeth them therefore, before their dissolving, to direct two or three of their number to him, to desire him to appoint the day and place of the next convening. *Next*, that his *Maj.* desireth them to make an Act, prohibiting all and every one of the Ministrie, under the pain of deprivation, to declame against his *Maj.* or Councils proceedings, in pulpit; not only in respect of his *Maj.* known good intention for the forth setting of pietie and justice; but likewise because his *Maj.* at all times giveth readie access, and loving ear to sundrie of the Ministrie, to informe, delate, or complain either in their own name, or in the name of any of the rest of the Brethren. *Thirdly*, his *Maj.* desireth to put in lite five or six of the discreetest of the Ministrie; that he may make choise of two of them to serve in his house, in respect of *Master Craig* his decrepit age. *Fourthly*, his *Maj.* desireth, that through all the Presbyteries there be some appointed to advertise and informe his *Maj.* hereafter with diligence, for the more speedie remedie, not only of whatsoever practices they can learne in any wayes of Papists; and of Spanish factioners: but also of the deceits and practices of *Bothwell*; whereof they can have any knowledge; whose sole courses; as they are directly against his *Maj.* Person, so they tend to the subversion of Religion; with direction also to them to informe the Barones & honest men, that tender most his *Maj.* welfare, to give ever such faithful intelligence of the said practices, as they can learne from time to time. *Fifthly*, his *Maj.* desireth, that through all the Countrey; where there are any ports or landing places, that there be some of the Brethren appointed to deal specially to with the Burghes, that they may take good and sufficient trial, according to his *Maj.* Laws made thereanent; of all those that shall hereafter come in and passe forth of this Countrey, whence they come, and whether they are bownd; what is their traffick and intention: and so after good and sufficient trial, if there be any of weight and importance, that they on no wayes fail to make his *Maj.* acquainted therewith, to the effect his *Maj.* may the more easily discover whatsoever forreigne or civil

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Articles to
the King.The Kings
Articles.

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practice is, or shall be in head against the present state of Religion: And this he craveth to be done so faithfully, as he hath good opinion of your earnest affection, no lesse in the preservation of his *Maj.* own person, as in defence of the common cause: as also he promisseth to aid and assist you in all and whatsoever your good Resolutions, that may tend to the furtherance of peace and quietness, with the advancement and maintainance of Religion, presently professed within this Realme.

The Assemblies
Answer.

The Act of Parliament was well accepted by the Assembly. As for answer to the Articles; The *first* was agreed unto, according to the tenor of the Act of Parliament, presented with the said Articles. For the *second*, It was ordained, that no Minister within this Realme utter from pulpit any rash or unreverent speeches against his *Maj.* or his Council, or their proceedings; but that all their publick Admonitions proceed upon just and necessarie causes, and sufficient warrant, in all fear, love and reverence, under the pain of deposing such, as do in the contrair, from their Function and Office in the Ministrie. The *third* agreed unto; and ordained, that the Brethren to be chosen by his *Maj.* be placed and admitted by the Presbyterie, where his Highness shall be resident for the time, The *fourth* and the *fifth* agreed unto, & order taken thereanent.

The
Names &
Number of
the Presbyteries.

For as much as the number of the Presbyteries within this Realme, and their places would be known; the names and number were given up, as followeth, *viz.* one Presbyterie in *Zetland*, *Videlicet*, *Fingwal*: in *Orknay*, *Kirkwal*: in *Catness*, *Thurso*: in *Southerland*, *Dornab*: in *Rofs* two, *Tane* and the *Channonrie*: in *Murray* four, *Inverness*, *Forres*, *Elgine* and *Ruthwen*: in *Aberdeen* five, *Bamfe*, *Deir*, *Inverurie*, *Aberdeen*, *Kincardene*: in *Mernes* one, *Cowie*: in *Angus* four, *Brechin*, *Arbroth*, *Megil*, *Dundie*: in *Dunkelden* one, *videlicet* *Dunkelden*: in *Perth* two, *St Johnstoun*, *Dumblane*: in *Fife* four, *St Andrews*, *Cowper*, *Dumfermline*, *Kirkaldie*: in *Stirling* one: in *Linlithgow* one: in *Lothian* four, *Edinburgh*, *Dalkeith*, *Hadintoun*, *Dumbar*: in *Trveddale*, *Peebles*: in the *Merc* two, *Chirnside*, *Dunee*: in *Teviotdale* two, *Fedburgh* and *Melrose*: in *Nithsdale* one, *Dumfries*: in *Galloway* two, *Kircudbright*, *Wighton*: in the Sheriffdom of *Air* two, *videlicet*, *Air* and *Irvine*: in *Ranthrovv*, *Paisley*: in *Lennoxshire*, *Dumbartoun*: in *Clidisdale* three, *Glasgow*, *Hammiltoun* and *Lanerk*.

Commission
for Visitation.

For as much as the Visitors of Presbyteries, univerally throughout the whole Realme, are thought a thing very necessary, and from diverse Assemblies Commission hath been given for that effect, a necessitie yet remaining, which craveth the continuing of the said Commission, the Assemblie hath given Commission to certain Brethren, to visite, & try the Doctrine, Life, Conversation, Diligence & Fidelitie of the Pastors, within the said Presbyteries: and siclike to try, if there be any of the beneficed number within the samine, not making residence, having no reasonable excuse: if there be any that have dilapidat their benefices, set tacks, & made other dispositions of the same, without the consent of the General Assembly; any slanderous Person, unmeet to serve in the Kirk of God, unable and unqualified to teach and edifie; and with advice of the Presbyterie, within the which the said Persons remaine, to proceed against them, according to the qualitie of the offence, according to the Acts of the Kirk. And for shortening of the Commissioners travels, that diligent travel be taken among themselves, before the coming of the

Commissioners,

Commissioners: whereby they may understand what abuses are to be corrected: And the Assembly commandeth the Presbyteries, where the Commissioners remaine, to provide for their flocks, in their absence in time of the said visitation. What was the judgement of the Assembly of the Office of Visitation, ye have heard before.

For as much as in Synodal Assemblies, the bookes of particular Presbyteries are tried and visited, and it appeareth necessar, that the books of Synodal Assemblies be tried in General Assemblies; it is concluded, that in time coming the books of the Synodal Assemblies be directed by the Synods to the General Assemblie, to be sighted & considered, for understanding the better of their proceeding, under the pain of the censures of the Kirk.

The Assembly ordaineth, that no disposition of rents and livings of Colledges be taken, or other title be made, without the advice and consent of the General Assembly, under the pain of deposition of the Persons doing in the contrair.

Upon thursday the twentie one of June, *Mr George Ker* escaped out of the Castle of *Edinburgh*. Some were sent out to pursue after him. But they pursued one way, and he was convoyed another way. *Mr Walter Balcanquell*, in his sermon the day following, delivered his minde freely thereanent.

Upon munday the sixteenth of July, the holding of the Parliament began in *Edinburgh*. *Huntlie*, *Errol* and *Angus* were not forefaulted, and that for lack of probation, as the King alledged to the Commissioners of the Kirk; whereupon *Mr John Davidstone*, teaching upon the Lords day the twentie two of July, called this Parliament a black Parliament; for, said he, it is the high Court of Justice, and institute chiefly for the punishment of Arch traitours; yet our Arch-traitours have not only escaped, but in a manner are absolved, in that they have escaped, as men against whom no probation could be had. He prayed, that the Lord would compel the King by his sanctified plagues to turn to him, rather or he perish; otherwayes that the Lord would guide his Government to the welfare of his Kirk, whether he would or nor.

The day following that, upon the 24. of July, the Earle *Bothwel* came to the Palace of *Halyrudhouse*, and entred in by the back gate, which opened to the *Ladie Gowries* Lodging; as the *Ladie Athol* was coming from the King and Queen to her mother the *Ladie Gowrie*, to take good night. He rapped rudely at the Kings Chamber door, which was opened by the *Earle of Athol*, or, as others report, by a page. The King would have gone to the Queen's Chamber, but the door was locked, & the *Duke*, *Athol*, *Uchiterie*, *Spaine*, *Dunnipace* went betwixt him and the door, and interceded for *Bothwel*. The King asked, what they meant, came they to seek his life, let them take it. *Bothwel* sitting upon his knees, & *Mr John Colvil* with him, said, he sought not his life, but came to seek pardon for the roade of the *Abbey*, and the roade of *Falkland*; offered to suffer an *Assise*, for consulting with witches, or seeking his life directly or indirectly; and after trial to depart out of the Realme at his pleasure, to any other Realme his *Ma* would prescribe, and to joyn himself to no other course, then his *Ma* should command; to attempt no novation of the Estate, nor any change of Officers of Estate. The King seemed to be content with his Offers. He was purged by an *Assise*, of consulting with witches against the Kings life. Thereafter was

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The books of the Synods to be perused.

An Act concerning the ren of the Colledges.

Mr George Ker escaped out of ward.

A Parliament.

Bothwel purchaseth access to the King & promisseth satisfaction.

granted

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granted by the King to *Bothwel* and his partakers, remission of all by-gone offences, restauration and all other securitie of their lives, lands & goods and houses; and that the same should be ratified in Parliament, betwixt and the twenty day of *November* next to come, according to the Act of repossession, made in the Parliament holden at *Linlithgow*. Mr *Robert Bruce*, in a Letter dated the 15. of *August*, and directed to the Brethren of the Presbyterie of *Dunfermline*, signified, that the King had promised to *Bothwel* the benefite of repossession, and affixed a day in *November*, when in Parliament the promise was to be ratified. That *Bothwel* shall not come neer the Court in the mean time, nor yet his enemies; namely the Chancellour, the Master of *Glames*, Sir *George Home*, the Lord *Home*, till that day: That thereafter *Bothwel* shall have libertie to remaine, bide and go at his pleasure. That the Councel, Session and Ministrie of *Edinburgh* wereafter a sort become oblidged, that the King shall stand by his promise.

Upon friday the seventh of *September*, there was a Convention holden at *Stirling*. *Bothwel* was sent for to meet with certain Commissioner at *Linlithgow* the eleventh day of *September*, to wit, the Prior of *Blantyre*, Mr *Robert Bruce* Minister, *John Robertson* merchant burges of *Edinburgh*. It was declared, that it was his Ma. will, with advice and consent of the Estates, that *Bothwel* shall not repair to his Maj. without his licence; that howbeit his Maj. might free himself, of that which he subscribed at *Halyrudhouse*, yet was content, that he and his complices, who should be specified by name and surname, their remission & restauration should be ratified in Parliament in *November*; the Earle finding sovertie within such space, as the King pleaseth, after the said Parliament, to depart out of the Realme beyond sea, & not to return till he obtain his licence, & during his absence, shall remaine in such places, as his Maj. shall appoint to him. His complices in their troubles, which are to be specially nominated in the remission, shall remaine at their dwelling houses, & no wayes resort to Court, without warrant or licence. Farther they declared, that the King is a free Prince, & would take to his service & companie such of the Nobilitie, & other good Subjects, as best pleased him. That same night the King went out of *Stirling*, accompanied with the Duke, the Earles of *Marr* & *Mortoun Douglas*, to the Earle of *Mortoun*'s house beside *Lochlevin*, where the Lord *Home*, the Master of *Glames*, Sir *George Home*, & others of that faction, enemies to *Bothwel*, were received to Court again. The conclusion of the Estates being declared to *Bothwel*, he promised to obey at his Ma. pleasure. The King was well content with the report of his answer, but soon after, by the instigation of the Lord *Home*, who had gotten the Abbacie of *Coldinghame*, Sir *George Home* who had gotten the Lairdship of *Spot*, & others of that faction, his heart was altogether alienated from *Bothwel*. The King cometh from *Falkland* to *Linlithgow*, where the Chancellour, accompanied with Sir *Robert Ker* of *Sesfurde*, came to him. The Chancellour & the Master of *Glames* were reconciled, & likewise the Lord *Home* & the Laird of *Sesfurde*, all adversaries to *Bothwel*. Upon the 20. of *September*, the Earle of *Bothwel* & his servants, & dependers were inhibited to come neer the place of the Kings residence, by the space of ten myles, unless they were sent for, under the pain of treason.

The Provincial Synod of *Fife*, the most vigilant Synod within the Kingdom in these dangerous times, convened at *St Andrews* upon the 25. of *September*. It was reported to the Synod by faithful Brethren, that *Hunt-*

The proceedings of the Synod of *Fife*.

lie,

Huntlie, Angus, Errol & Home had convened at *Dumblane*, in the time of the last Convention, which was holden at *Stirling*; and at the rocking stone of *Balvaird*, immediatly after the said Convention; that Papists were become so insolent, that they spared not, at Noblemen and Gentlemens Tables, to rail upon the blessed Truth & the Professors thereof, contemne the Word, mock at Thanksgiving before & after mear, brag & boast, that they should make us turn to their Religion. The Synod moved with these reports, and other signes of imminent danger, concluded as followeth.

That the Pastors of every Congregation, being first sanctified themselves, and prepared by abstinence, prayer and diligent studie, & attendance upon their charge, travel carefully by their doctrine & good example, to move & dispose the hearts of their Flocks to unfained repentance, in calling for mercie & preservation at the hands of God, that thus both Pastor & People may be prepared against that Gen. & Solemn Fast, which the Synod thinketh most needful to be appointed without delay of time, & published throughout this whole Realme; the causes whereof, beside the general of all our humiliations, in time bypast, to be these in special. 1. The impunitie of Idolatrie and cruel Murder, in the Person of the Earle of *Huntlie* and his Complices. 2. The impunitie of that most monstrous, ungodly & unnatural treason, committed by the said Earle of *Huntlie*, with the Earles of *Angus & Errol*, the Laird of *Auchindoun*, Sir *James Chisholme* & their Adherents. 3. The Pride, Boldness, Malice, Blasphemie, Busines & Proceeding of these Enemies, in their most pernicious purpose, arising of the said impunitie, & bearing-with of the King; so that now not only they have no doubt, as they speak plainly, to obtain libertie of Conscience: But also brag they shall make us faine to come to their cursed Idolatrie, before they come to the Truth. 4. The Land defiled in diverse places with the devilish & blasphemous Masses. 5. The Wrath of God broken forth in fierie flamme upon the North & South parts of this Land, with horrible judgments both upon the soul & bodie, threatening the mid part with the like, or heavier, if repentance prevent not. 6. The Kings slowness in repressing of Papistrie, & planting of true Religion. 7. The defection of many Noblemen, Barones, Gentlemen, Merchants & Mariners, through the bait of *Spanish* gaine, which emboldneth the Enemies: And on the other part, the multitude of the Atheists, Ignorant, Sacrilegious, Bloudthirstie & worldly outward Professors, by whom it is strange, if God shall worke any good turn; the consideration whereof, upon the part of man, may altogether discourage us. 8. The cruel Slaughter of the Ministers. Some of the Moores had slain Mr *David Blyth* and Mr *John Aikman*. 9. The pitiful estate of the Kirks and Brethren in *France*. 10. The hote persecution of Brethren for the Discipline, in our neighbour Countrey, through the tyrannie of Bishops.

That with all convenient diligence Commissioners of Burrowes, Ministers & Gentlemen be directed to the King from this present Assemblie, to tell plainly to his *Maj*, that which all his true Subjects think, touching his too much bearing-with, favouring and countenancing of Papistical Traitors; his negligence in repressing of Idolatrie, & establishing of the Kingdom of Christ within this Realme: and to declare freely to his *Maj* the minde and resolution of all his godly & faithful Subjects within this Province, that they are readie to give their lives, rather then suffer the samite to be polluted with Idolatrie, & overrun with bloudie Papists. For this effect the Assemblie nominated these Commissioners, Mr *A. Melvill* Rector of the Universitie of *St Andrews*, *David Fergusone* Minister at *Dunfermline*,

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Mr Andrew Lambe, Mr Thomas Buchanan, Mr Nicol Dalgleish, Mr James Melvine, Ministers, and the Commissioners of Gentlemen and Burrowes, to be directed from the Convention in Couper the second of October. And for this effect were directed from this Assembly to this Convention Mr Andrew Melvine, Mr Robert Wilkie, Mr Andrew Moncreif and the rest of the Presbyterie of Couper. And for information of the Burghes of the Province, and procuring from them Commissioners, that the Ministers of every Burgh have with them a Letter from this Assemblie, and Commission for that effect. And also that the said Gentlemen and Barones fail not to convene in frequent number the said day. Masters Andrew Moncreif and David Mearnes to deal with the Lairds of Cambo & Balcomie, Commissioners ordinar for the Barons; and every Minister was enjoined to warne their own Gentlemen, & deal for that effect.

3. That the Brethren, directed to Barons & Burghes, crave their counsel & assistance, according to their dutie & subscription, touching the imminent dangers, & remedie of the same; & namely to have their Commissioners directed to the King at *Edinburgh*, the seventeenth of *October* next to come, there to concur with the Commissioners of the Synod abovenominated, & with such as God shall move other Provinces to direct for the effect above specified. They shall also exhort the Barones and Burrowes to put in faithful execution the Acts of Parliament, made against Papists, Jesuits, traffickers within their bounds; & to be upon their guard at all times, for the defence of themselves and the cause of Christ; and to advise among themselves of the best order to be taken for that effect.

4. The Assemblie directed in like manner *David Ferguson, Mr John Davidson, & Mr John Couldon* to deal with the *Earle of Mortoun* & his Ladie; to finde fault with them, & rebuke them sharply for receiving within their house, & intertaining the above-named enemies, & to crave the practice of their dutie according to their profession; & in case otherwayes, to intimat, that God would give them their portion with Idolaters. And in like manner directeth Masters *Andrew Melvine, James Melvine, Adam Mitchel*, to confer with the *Earle of Rothes*, to crave his counsel & assistance; as also with the *Earle of Craufurd*, if he shall be found in *Carnie*, or within this Province; and *Mr James Melvine* and *Mr Andrew Moncreif* to confer with the *Lord Lindsey*.

5. And lastly, the Synod on the one part, being loath to do any thing rashly, or that was impertinent to them; so on the other part, willing to pretermitt nothing, where God hath given them power, and direction what to do, for his honour & the well of his Kirk, entred to consider what they ought and might do against these enemies, conjured against Christ and his Kirk, and after earnest prayer to God, grave reasoning, and declaration, found, and concluded in the end.

First, that the principal and chief enemies, the *Earles of Huntly, Angus and Erroll, Laird of Auchindown* and *Sir James Chisholme*, have by their Idolatrie, Heresie, Blasphemie, Apostasie, Perjurie and Professed Enmitie against the Kirk, & true Religion of *Jesus Christ* within this Realme, *ipso facto* cut off themselves from Christ and his Kirk; & so become most worthie to be declared excommunicat, and cut off from the fellowship of Christ and his Kirk, and to be given over to the hands of Satan, whose slaves they are, that they may learne, if it so please God, not to blaspheme Christ or his Gospel.

Secondly, it was found, that many of the said persons, being sometimes

Students

Students in the Universitie of *St. Andrews*, had communion & fellowship with that Kirk, namely the Earles of *Angus* and *Errol*, and the Lord *Home*; and these three married within the Province of *Fife*, have professed in these Kirks, where they were married, and subscribed the Articles of our Religion, & because of their affinitie and friendship, resorted often, & in time coming may resort frequently, within this Province, to the great danger of the Kirk within the same. The most cruel & treasonable Murder committed by the said Earle of *Huntlie*, & Laird of *Auchindoun*, within the bounds of their Province, was likewise remembered: For which cause it was the advice of the Gen. Assemblie, that the said Earle and Laird should be Excommunicated by the Ministers of *Fife*; and the said Sir *James Chisholme*, being one of the principal Complices and Devils of their most malicious Plots, the said Synod found, that they had good interests and occasion to Excommunicat & cut off from their fellowship, and Christs Kirk in *Fife*, the said Persons; and so in summar forme and manner customable, and most righteously used in such matters, according to the Word of God, many and diverse examples of the primitive Kirk, and lovable practice of this same Synod before, against Jesuits & Traffickers; the said Synod, in name and authoritie of the Lord *Jesus Christ*, did cut off the said Persons from their communion, and delivered them to Satan, to the destruction of the flesh, that the Spirit may be safe, if so it please God to reclaim them by true repentance, otherwayes to their just everlasting condemnation, and ordaineth intimation to be made thereof by every one of the Pastors in their Kirks immediatly, with interdiction, that none presume to receive them within their houses, or have any dealing, fellowship or societie with the said excommunicat Persons, with certification, that the Contraveeners shall incur the like Censure, Sentence and Judgment.

And Finally, to the intent, that the proceedings of the said Assembly may be communicated with the Brethren of the Provinces next adjacent, and their advice, approbation and assistance obtained thereto, the said Synod hath directed Mr *Andrew Lambe*, to *Lothian*, Mr *Thomas Douglas* to *Angus*, Mr *James Douglas* & Mr *Robert Colvane* to *Strathline*, Mr *William Patoun* to the *Merce*, with Letters and Commission to the Brethren to that effect.

Mr *James Melvine*, Moderator of the Synod for the time, pronounced the Sentence of Excommunication. God so blessed the work, that the whole Kirk of *Scotland* approved the same, and it was a special mean of preventing extreme danger, threatned both against Kirk and Commonwealth, and bringing foresaultrie & exile upon the Persons above-named. The Synod communicated with diligence that which they had done, and craved a meeting of Commissioners to be kept in *Edinburgh* in *October* following, for prosecuting of the matter. But the King was highly offended at the Excommunication of the Lords.

The King accompanied with the Lord *Home*, and the Laird of *Sessford*, entred in his journey upon the 12. of *October* toward *Jedburgh*; where he appointed the lieges of the nearest Shires to meet him; because he was to pursue *Fernherst* for recepting of *Bothwell*. Before he entred in his journey, the Ministers dealt with him to enter in no conference with the excommunicated Lords, till they had satisfied the Kirk; which he promised to do: Yet the same very day, they met him betwixt *Soutray* & *Falaw*, where they fell down upon their knees. The King adviseth them to underlye the trial of an *Assise*. Whereupon they returned from the King, & sent Missives to their friends, to meet them at *Perth* upon the 24. of *October*.

The King
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the Lords.

The ex-
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to a trial.

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The Ministers, Commissioners of Burrowes and fundrie Barones convened at *Edinburgh* the seventeenth of *October*. They directed Mr *James Melvine*, Mr *Patrick Galloway*, the Laird of *Calderwood*, the Laird of *Merchistoun*, two Burgesles of *Edinburgh*, and one of *Dundie*, with Commission to the King, to crave order to be taken with the excommunicat Lords, and to regrave the accessse they had to his *Maj.* at *Falaw*. What were the heeds they proponed, may be gathered by their report to the Convention, when they returned from *Jedburgh*, which they did upon the third day after their entrie to their journey.

As to the first, his *Maj.* after the hearing of our Propositions, answered generally, he would not acknowledge this Convention, gathered without his advice, nor satisfie us as Commissioners directed from that Convention. It was replied presently, that we were readie to produce sufficient warrants, to prove our Assemblies to be with his *Maj.* Advice, made known both by print and Proclamation. Neverthelesse his *Maj.* yeilded, for satisfiing us as SubjeQs of fundrie ranks, resorting to him, in every particular, as followeth.

To the first, concerning the Lord *Horne*, a professed Papist, & others his followers haunting about his *Maj.* which was dangerous to Religion, his Person and Estate; because it was an accomplishment in part of the *Spanish* plot, that the Papists should possesse his Person. Answered, a day with advice of the Kirk was appointed; that he should satisfie, or then depart from his *Maj.* company, against which day he should open his doubts, confesse and seek resolutions which thing his *Maj.* yet standeth to, and shall perform, in case he resolve not. But his *Maj.* was assured of his resolution before that day; because he had opened his doubts, conferred with his *Maj.* and *John Duncanson*, and received resolution, & would subscribe betwixt and the day. It was replied, he had past his bounds, and had been a special instrument to bring the excommunicat Earles, and Sir *James Chisholme*, to his presence.

As to the second, the bringing of the Excommunicat Earles to his presence, contrare to his promise, by certain men about him evil effected. Answered, as God shall judge his soul, he knew not of their coming, was under no privie paction nor condition with them; and when upon their knees they craved trial, which he could not deny, if it had been to the simplest in the land, he dismissed them without any promise. As touching these about him, that were instruments to bring them in to him, he knew them not, and willed us to name them in particular, and to accuse them, and let them give their answers.

As to the third, the hope and expectation the Excommunicat Earles had to be made free, and cleansed of their odious treasons, after their departure from his *Ma.* by reason of the place & time, the Persons assisters, and libertie granted to them to convene with their forces to their trial; which was thought very dangerous. Answered, As for the time, he had the advice of the Ministrie; as for the place, the advice of the Councel. The Persons Assisters, he thought the most indifferent in the Land. As for their forces, he should take order, that he should be master, by the presence of such a number well affected to Religion, as he should make choice of. It was replied, the time and place were not meet. Answered, The time should not be so short, but should be stayed till the fourth or fifth day after the Convention should hold. As to the place, he was nor certain, whether it should be *St Johnstoun*, or not. As to the

Persons

Persons assisters, it was replied, the matter was of great weight; and his *Maj.* was put in remembrance, that he had said, that it past the reach of his power to pardon their fault, and it touched every state in particular: Therefore his *Maj.* ought to do nothing therein, without the advice of the States conveyned. *Answered.* He should keep Council in *Lauder*, and advise upon that purpose; and after, in *Edinburgh* conveyne with the Council certain of the Barones, Burrowes and Ministers, according to whose advice he should proceed in that matter.

Lastly. When it was shewed to his *Maj.* that the Assemblie presently conveyned, thinking it dangerous for his *Maj.* coming to *Perth*, by reason of the great numbers, that were to resort with the excommunicat Earles, offered to be present with his *Maj.* and to guard his Person.

Answered. Such as he should charge to be present, should be welcome at their coming; but such as come undesired, should not be welcome: That he shall take order, they come not with such a number, as may trouble the day of Law, and that such as should accompany them, should be of the Religion. In end, his *Maj.* willing that we should report his good intention and honest meaning in this matter, with solemn Oathes protested before God, & in Conscience affirmed, that he should proceed in that matter, as he would answer to God and the Estates of this Kingdom, and that he meant nothing in that matter, but securitie to Religion and good men; and that such substantiall Order be taken with these Excommunicat Earles, that they should be unable to brangle the Estate of Religion afterward, and none should be suffered hereafter to trouble the Religion, or professe Papistrie: and so your petition and my intention shall go together.

After the report of these answers, it was thought meet, that they should return home with diligence, and warne the Barones and Burghes to be in readines against the Convention appointed by the King, & to repair to *Edinburgh* some few dayes before, to advise how to proceed; which was done by every Commissioner with exact diligence. Every one was likewise willed to shew to the Barones & Burghes, the Kings answers to their petitions.

If the trial at *Perth* had not been delayed, many of the Ministrie, Barones and Burgeses had been present: for great was the fervencie and forwardness, both in the Ministrie, & in other professors. They conveyned upon the 29. day of *October* in *Edinburgh*, where they directed some Commissioners to the Convention of Estates, which was to be holden in *Linkithgouu*. *Mr James Melvine* was appointed to be the speechman for the Barones, Burgeses and Commissioners, that were sent in Commission. But the matter was so dressed by *Chancellour Maistlan*, that it was remitted to a new Convention of the Estates, which was to be holden in *Edinburgh* the moneth following.

Commis-
sion for
trial of the
Earles.

Apud *Linkithgouu* ultimo die mensis *Octobris* 1593.

Foras much as the Kings *Maj.* and his Estates presently Assembled, having heard and considered the petitions and offers of *William Earle of Angus*, *George Earle of Huntlie*, *Francis Earle of Errol* and some others, now being under proceffe of his Highness Lawes, for certain matters of Late Majestie, laid to their charge, as attempted and practised by them, against the true Religion professed, and by Law established within this Realme, his *Maj.* Person and Estate, and publick quietness of

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the Countrey; and remembring how his Highness, with advice of his Estates in his late Parliament, as not then fully resolved with the Summons execute against the said Earles & some others; remitted the trial & ordering of matters to his Highness & his Secret Council; for the which his Highness appointed this present Convention; and yet now finding matters of such consequence cannot conveniently nor sufficiently be heard and determined in this present Convention, his Highness therefore, with advice of his Estates presently Assembled, hath thought expedient to commit the hearing, determination and consideration of the said matters, and others hereafter mentioned, to the special Persons of the said Estates, and of his Highness Counsellours and Officers following. They are to say, *John Lord Threlstone* Chancellour, *George Earle Marshel*, *John Earle of Marr*, *John Earle of Montrose*, *Andrew Earle of Ruthes*, *Alexander Lord Levingston*, *James Scot of Bukwerie*, *John Murray of Tullibardine*, *Alexander Bruce of Airth*, Knights; *Mr George Lauder of Ross*, *William Scot of Abbotshal*, and *Mr David Carnegie of Colluthie*, *Alexander Home of Northberwick* Provost, and *Clement Corr*, Commissioners of Edinburgh, with the Commissioners of Dundie, Stirling, Linlithgow and Couper, with the Officers of Estate, that shall happen to be present for the time; and in case any shall happen to be absent, with power to his Maj. with advice of such Persons above-written that happen to be present, to nominate and chuse others in their places; and that Masters *David Lindsey*, *Robert Bruce*, *Patrick Galloway*, *James Carmichael*, *Robert Rollock*, and *John Duncan* Ministers, or such of them as shall be present, have access and audience, when they shall have any thing to propone, or shall happen to be called upon for conference. Giving, granting and committing to the said special Persons of the Estates, or any four of every Estate and qualite, with the Officers of Estate, that shall happen to be present for the time, full Power, Charge and Authoritie, to consider the said petitions and Offers of the said Earles, and others suspected and delated of the said crimes, and craving the said trial, to try the Truth as well of their accusations as purgations, and all other matters, that shall be proponed unto them, concerning his Highness Estate and Affairs, and the present troubles and disorders over all the Realme, and thereunto to treat, consult and deliberat, and to conclude in whole, or in part, as they shall think convenient; specially touching the surety of the Estate of Religion and Professors thereof; and surety to be taken of all persons suspected, or delated to be advetaries to the same, or troublers of the quietness of the Realme: Or in case of their disobedience or contempt, how they shall be pursued and repressed: admitting and declaring the proceedings and conclusions of the said elected persons of the Estates, to be as lawful, effectual and sufficient in all respects, as if the same were done by his Highness full Parliament, or by his Privie Council, Session or Assise before the Justice General, or his Deputes; which his Highness will cause be ratified and approved, in his Highness next Parliament. *Extractum de Libro Actorum Secreti Concilii S. D. N. Regis, per me Joannem Andro Clericum deputatum ejusdem, sub meis signo & subscriptione manualibus.*

JOANNES ANDRO

Upon the second day of November, it was declared by publick Proclamation, that the receipt and intertainment of the said Earles, and

others

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others craving triall, during the time of the trial, shall be no crime, danger nor reproach to the receptors, that they nor none of them shall be called, nor accused civilly, nor criminally any manner of way in time coming; notwithstanding of the processe led or depending, against the said Earles, or others foresaid; or any pains contained therein, whereanent his Highness dispenseth, during the time foresaid. The lieges were charged, that none of them invade, trouble or pursue any of the said Earles, and others seekers of the said trial, in bodie or goods, during the time of the trial; the said Earles and others foresaid behaving themselves dutifully, and attempting nothing against his Highness Estate, Lawes, or the said true Religion in the mean time.

The King with advice of the Nobilitie, Councel & Estates, lately convened at *Linkithgow*, having given commission to sundrie Noblemen, Barones and others, to convene at *Edinburgh* upon the twelfth of November, to consult & conclude upon sundrie matters, specially touching the surety of the State of Religion & Professors thereof; & sovertie to be taken of all persons suspected to be adversaries to the same, or troublers of the quietness of the Realme; or in case of their disobedience & contempt, how they shall be pursued or repressed: and in all other matters that shall be proponed, concerning his Highness Estate and Affairs, and the present troubles & disorders; that this work be no wayes hindered by the resort of persons suspected adversaries, to the Religion, or by convocation of persons standing under deadly feod, or other persons whatsoever, under whatsoever colour; or by other fashions & restless spirits, seeking occasion to intertain trouble. All and sundrie the Kings lieges were charged by open Proclamation on the seventh of November, that none of them resort to *Edinburgh*, or the place of his *Ma.* residence, during the time of the ordering of these matters, except such persons as are appointed, & specially written for, or that shall first crave and obtain his Highness licence for doing their other lawfull business: or do, or attempt any thing, which may hinder his *Ma.* good intention.

The Convention beginneth the twelfth of November. Offers were made at this Convention for satisfaction to the *Kirk* and the Kings *Ma.* by some Agents for the Earles. Whereupon the King discoursed, how dangerous it were to reject their offers. They would take them desperately to armes, and get foreign assistance, which might endanger both King, Countrey & Religion. Sundrie dayes were spent in devising the act of Abolition, whereat the godly were much grieved. In end it was concluded, as followeth.

At Halyrudhouse the 26. of November 1593. Tears.

The Kings *Ma.* for the publick peace & quietness of the Realme, & that the occasions & pretences of diverse late troubles, occurring within the same, may be removed, after mature deliberation, the Ministers of Gods Word being heard, conferred with, and their petitions considered; with advice of the elected Commissioners of the Estates & Councel, declareth, & by this his Highness perpetual & irrevocable Edict stateth, & ordaineth, that Gods true Religion publicly preached, & by Law established in the first year of his Highness reigne, shall only be professed & exercised by all his *Ma.* lieges within this Realme in time coming; & that none of them presume or take upon hand to avow, professe or exercise any other forme of Religion within the same; or to receipt, maintain, supply, or intertain intelligence with any Jesuits, seminarie Priests, or other adver-

Convocations during the time of trial discharged.

Convention in November.

The act of abolition.

aries

1693.

faries of the said true Religion, under the pains contained in his Highness Lawes, and Acts of Parliament made thereanent: And that all his *Maj.* Subjects, which have not as yet embraced or professed the said true Religion, or that have made defection therefrom in time by gone, shall, before the first day of *Februar* next to come, effectually obey his Highness Lawes by professing and exercising the said true Religion, and satisfying his Highness, the true Kirk of God and Ministrie thereof, in under-lying and fulfilling such injunctions, as shall be given by his Highness and the Kirk, while there be a sufficient proof had of their effectual and unfained conformitie, in embracing and professing the said true Religion. Or if any of them shall think it difficile so to do, as not being yet perswaded in Conscience, that then upon declaration to be made to his *Ma.* of their choice, and upon his licence first sought and obtained, they shall depart forth of the Realme to such parts beyond sea, as his *Maj.* shall please and be contented with, betwixt and the first day of *Februar* next to come, and there remain, and no wayes return into this Realme, while first they be content to embrace and professe the said true Religion, and satisfie his Highness and the Kirk, and make securitie to that effect in manner after specified, they and their heirs enjoying their Lands, livings and goods, in the mean time to their own uses. To whom his Highness giveth power and libertie by the tenor hereof, by their procurators in their name, to stand in judgement and pursue, and defend their actions & causes by order of Law; notwithstanding of any Act of Parliament, or processe led against them, wherewith his Highness in that part by these presents dispenses.

Item our Sovereign Lord, with advice of the said elected Commissioners of the Estate and Council, Declares, Decernes, Statutes and Ordains, that *William Earle of Angus, George Earle of Huntlie, Francis Earle of Errol, Sir Patrick Gordoun of Auchindoun and Sir James Chisholme* Knights, being suspected, delated and called to his Highness's late Parliament, for treasonable causes and crimes, contained in the summons, execute against them, upon occasion of blanks and Letters intercepted, concerning trafficking with strangers, for the troubling of the said true Religion, his Highness and other Professors thereof, and libertie of the Realme, shall be free and unaccusable, in time coming, of the said causes and crimes, and all processe thereanent to be abolished, delete and extinct, and remain in oblivion for ever. Discharging all his Highness's Justiciars, Advocats and others his Officers, present and to come, of all calling, accusing, or any wayes proceeding against them or their heirs therefore, in time coming. But if they have already, or shall happen hereafter to send pledges for them out of this Realme to whatsoever strangers, as for suretie, or fulfilling any offers or conditions on their part, tending to the harme or peril of the said true Religion, his Highness, or other Professors thereof, or libertie or quierness of this their native Country; in that case, this present abolition and annulling to be null, and the said Persons to be accusable by Law, for the same causes and crimes contained in the said summons, as if the same abolition and oblivion had never been made and granted. Which abolition shall be extended only to the crimes contained in the said summons, proceeding upon the occasion of the said blanks, and intercepted Letters, and to no murders, slaughters, fire-raising and other criminal matters whatsoever. And all such of the said Earles, and others above written, contained in these summons foresaid, as shall deliberat to obey his Highness's Lawes, in profess-

ing and exercising of the said true Religion, before the said first day of *Februar* next to come, abide & remain in the mean time in the places & bounds to be appointed to them by his *Ma.* and utterly forbear to practise, traffick, recept, supplie, or have intelligence with Jesuits, seminarie Priests, excommunicat or avowed Papists; but debar them forth of their bounds, and company; that they shall forbear at their table & otherwise to dispute, or suffer disputations, against the said true Religion, or in favours of the papistical Religion, damned by Gods Word & his Highnesses Lawes; & shall intertain a Minister of Gods Word, in their house & companie, & bereadie to hear him, conferre with him, & be the better resolved of doubts by him, against the time of their subscribing the Confession and Articles of the said true Religion, which shall be done by them at the farthest, betwixt and the first day of *Februar*; except the Kirk & Ministrie, upon good occasion moving them, shall condescend, that the said day be prorogued for some longer space. That the *Earle of Huntlie* shall, betwixt and the first day of *Februar*, put forth of this Realme *Mr James Gordoun* his uncle; and the said *Earle of Erroll*, *Mr William Ogilvie* brother to the laird of *Duncrummie*, professed Jesuits, or seminarie Priests, & shall hold them forth of this Realme in all time coming: And that such of the said *Earles*, & others foresaids, as subscribe & professe the said true Religion, shall no wayes hereafter make defection therefrom, but truly performe the conditions abovementioned, and every one of them, and shall finde sufficient soverities of Barons landed men for that effect, conjunctly each one for their own parts, which shall content his *Ma.* That is to say, every one of the said *Earles*, under the pain of fourtie thousand pounds; & either of the saids *Sir Patrick Gordoun* or *Sir James Chisholme*, under the pain of ten thousand pounds; and such as shall make choice rather to depart or remain forth of this Realme, nor to embrace & professe the said true Religion, shall before the first day of *Februar* next to come finde like securitie, and under the like pains, that until their departing, they shall abide and remain in the bounds to be appointed to them by his *Ma.* that they shall forbear to practise, traffick, recept, supplie, or have intelligence with Jesuits, seminarie Priests, or other avowed Papists, during their remaining within the Realme; as also during their absence forth of the same, shall forbear all practising or doing to the harme, hurt or prejudice of his Highness, and Professors of the said true Religion, or Commonwealth, and libertie of this their native Countrey, in any time hereafter. And that the said *Earles* and others, which shall claime the favour and benefite of this his Highnesses act, either by their acknowledging and professing of the said true Religion within the Realme, or by departing or remaining forth of the Realme upon licence, as not yet perswaded in conscience, make their declaration in writ of their choice of the said conditions to his *Ma.* and to the Kirk, betwixt this & the first day of *Januar* next to come: and that the Kirk also call all persons suspected to satisfie the Kirk, & in case of their refusal, to delate their names to his Highness, and to his Council, that they may be called for tinsal of their liferents, as the Act of Parliament made thereanent beareth: and that the Masters & Landlords be holden to answer for their men-tennants and servants, suspected and delated of Papistrie, as for persons indicted for crimes. And exact diligence to be done for punishing of the contemners, as well excommunicat, as others, conforme to the said act; the pains to be up-taken to his Highnesses use: Which his *Ma.* promiseth to see performed to the rigour,

1593.

and that he shall nowayes discharge, nor dispoſe the ſame otherwayes. And his *Highbneſſ* and the ſaid Commiſſioners of Eſtate have thought, & think this the beſt forme & mean to quiet the troubles, growing through the bygone proceedings of the adverſaries of the ſaid true Religion: and therefore have granted this preſent act, in manner, and within the ſpace above ſpecified. But alwayes the ſame act no way to ſtand, or have force of Law, till firſt it be accepted, and ſovertie made for accompliſhment thereof; nor none ſhall have ſpace to crave the benefite of the ſame, in caſe it be not ſought and accepted, the ſaid firſt day of *Februar* being by paſt. And in token & witneſſing of the premiſſes, his *Ma.* & Commiſſioners of the ſaid Eſtates, have ſubſcribed thir preſents, day, year and place foreſaid. Which his *Highbneſſ* ordains to be ratified, and approved in the next Parliament, and to have full effect and force in the mean time, being accepted, as ſaid is. Likeas the ſaid Earles, and others above ſpecified, in token of their acceptation of the benefite & favour of the ſaid Ediſt, ſhall faithfully promiſe to fulfil the conditions thereof appointed to them, under the pecunial pains before mentioned, to be payed by the ſoverties, beſide the incurring of the pain of treaſon themſelves, if they ſhall happen, as God forbid, to do in the contrair: they and every one of them ſhall ſubſcribe the double copie of this preſent Ediſt with their hands, & return the ſamie with their declaration of their choice of the conditions, to be kept in Register, betwixt and the firſt day of *Februar* next to come; and that Letters be directed for publication hereof; and the ſame alſo to be imprinted, whereby probably it may come to the knowledge of our Subjects.

The godly were not content with the favour, granted by this act to the Excommunicat Earles. The Miniſters and Barones convened apart in *Mr Robert Bruce's* gallic, deſired *Mr Robert Bruce*, *Mr David Lindſey*, *Mr Patrick Golloway*, to crave, that their perſons may be warded, before there were any further proceeding, or any favour granted unto them.

1592.

The Lord
Soughe his
Commif-
ſion.

Upon the Lords day the thirteenth of *Januar*, the Lord *Soughe*, Eaſhliſh Ambaſſadour, got preſence of the King. He was ſent to crave more rigorous juſtice againſt the trafficking Lords. Whereupon followed, that becauſe the Lords had not accepted of the benefite of the act of Abolition, and the conditions contained in the ſame, that the act was annulled; ſpecially becauſe they had reſuſed to keep the times appointed to ſatiſfie the Kirk, or depart out of the Countrey: and a Parliament was proclaimed to be holden the 22 of *April*, whereunto they ſhould be ſummoned to underly trial, and if they compeared not, were to be forfeited. And the perſons abovenamed were to be charged to enter their perſons in ward. *Huntlie* was charged to enter in the caſtle of *Dumbarton*, *Erroll* in the Caſtle of *Edinburgh*, *Angus* in the Caſtle of *Blackneſſ*, *Auchindown* in the Caſtle of *Tentallon*.

Prince
Henrie
borne.

The road
of Leith.

Upon Tuesday the 19. of *Februar*, the *Queen* was delivered, in the Caſtle of *Stirline*, of a man childe, betwixt three and four in the morning, who after was named *Prince Henrie*.

Upon wedneſday the third of *Aprile*, about the break of day in the morning, *Bothuel* came to *Leith* with four corners of horſemen. The Lord *Horne* came the ſame day to *Edinburgh* with ſeven or eight ſcore of ſpeares well appointed. The King came up to the great Kirk, and after ſermon made by his own Miniſter *Mr Patr. Golloway*, had a harangue, where-

in he

in he promised to pursue the Excommunicated Lords, if the people would assist him at this time against *Bothwell*; and if God give him the victorie, that he shall never rest, till he passe upon *Huntlie*, and the rest of the excommunicat Lords. All the Noblemen, Barones and Gentlemen, that were in the Town for the present, made themselves readie to accompanie the King in armes. *Bothwell* being advertised divided his companie in two bands, and went toward *Dalkeith* by the back of *Arthur* seat without fear. The King went forth to the *Barron moore*, and the inhabitants of *Edinburgh* with him on foot. *Bothwell* and his company were neer to the *Wolmet*, when the *Lord Home*, & his company, and some of the guard charged upon them. But they were chased back to the footmen, & sundrie of them were hurt or taken. Whereupon the King came riding in to *Edinburgh* at the full gallop. *Bothwell* pretended at this road, that he intended to pursue some Counsellours, till they should be presented to justice, or banished the Realme, or declared traitours to the Countrie: because by their means the amitie between the two Realmes of *England* & *Scotland* was in danger to be broken: Masse-priests suffered to wander through the Countrie. That hostages were sent to *Flanders* for surety to the *Spanjards*, who were to arrive here shortly: and therefore exhorted the King, Noblemen, Magistrats & Commons to assist him with their authoritie; and threatned, that whosoever assisted these pernicious Counsellours, should be denounced rebels, & punished with all severitie. Because of these pretences, & that he gave out in secret, that he was imployed by the Kirk against the Papists. Mr *Andrew* & Mr *James Melvine* were suspected by the King, to have furnished him money, collected among the zealous Professors. But the King, after enquirie, could finde no ground. It was hard to finde that which was neither thought nor wrought. Mr *James Melvine*, in his memorials, upon this occasion, hath these words, *I never had ado with him, directly nor indirectly: Tea, after good Archibald Earle of Angus, I knew not one of the Nobilitie of Scotland, with whom I could communicat my minde, touching publick affairs, let be to have any dealing by action.* It was alledged by publick Proclamation, that *Bothwell*, taking to adviſement the conditions of the offers made to him, after the Convention at *Linlithgow*, and driving time, transgressed the bounds limited, practised treason in the meantime, and after he was put to the horne, came in personal armes against his *Majestie*.

The General Assemblie convened at *Edinburgh* the seventh of May. Mr *Andrew Melvine* was chosen Moderator.

The Sentence of Excommunication, pronounced by the brethren of the Synod of *Fife*, against the Apostate Lords, was ratified by this Assemblie; & it was ordained, that all the Pastors within the Realme intimar solemnely, at their Kirk, the said sentence; that none pretend ignorance; except *Alexander Lord Home*, who hath satisfied the Kirk.

It was ordained, that the act made in *Januar* 1592. and the band made at *Aberdeen* in March 1592. shall be registred in the books of the Assemblie, the tenor whereof I have set down in the year preceeding.

Some four or five of the Ministrie were appointed to present the dangers following, and the remedies, to the King; & to report his answer.

A General Assemblie.

The Excommunication of the Earles approved.

The band Registred.

1594.

The dangers, which through the impunitie of the excommunicat Papists, Traffickers with the Spaniards, and other Enemies of the Religion and Estate, or imminent to the true Religion professed within his Realme, his Maj. Person, Crown and Libertie of this our native Countrey.

The same dangers, which before by the craftie and pernicious practices of the Jesuits, and the malicious, unnatural and treasonable Conspiracies of the Earles *Hunthe, Errol* and *Angus*, with their Complices, threatned the subversion of the true Religion, and of the Professors thereof, his Maj. Crown and Person, and betraying of this our native Countrey to the cruel and merciless *Spaniard*, and were at that time discovered, and vively apprehended by his Maj. the Estates, and whole bodie of this Realme, and so evidently, that none can pretend ignorance, are imminent, more urgent, and more to be feared, then when the danger seemed to be greatest, as may evidently appear by the Reasons following.

1. It is certain, that the *Spaniard*, who with such great preparations in the 1588. year, enterprised the conquest of this *Isle*, remaineth as yet of the same intention, and waiteth only upon a meet occasion to accomplish that his purpose, as appeareth clearly by his continuing of this intertainment of intelligence, & trafficking with the foresaid Excommunicats, ever since the dissipation of his navie.
2. The manifest rebellions of the foresaid Excommunicats, and defection from his Maj. Obedience, after so evident appearances of their wrack, for their manifest and treasonable attempts at the bridge of *Dee*, at *Falkland* &c. And the proof of his Maj. favour and clemencie towards them, in pardoning their said treasons, declareth, that their malicious and restless ingines, in prosecuting of their unnatural Conspiracies against the Religion, and the Countrey, cannot cease, so long as they are not punished, nor restrained by the execution of justice.
3. Whereas the Kirk, at all occasions, hath insisted to declare to his Maj. his Council, and Estates, the dangers evident for the time, and to crave convenient remedies; yet in effect nothing hath been obtained, notwithstanding of whatsoever Promises, Acts, Proclamations, Roades &c. Wherethrough they have been put alwayes in great securitie, and take libertie and boldness of further practices and attempts.
4. Notwithstanding that it was expressly provided by Act of Council, that none should presume to traffick, or speak in favours of the said Excommunicats, under the pain of losing of their Offices: Yet now they are advanced in greater credite with his Maj. that are known to have been their chiefeest Favourers; and cease not as yet, contrair to their promises, to procure them all favour, oversight, and immunitie; as it appeareth in effect, whatsoever they pretend.
5. The erection of Idolatrie of the Masse, in diverse Quarters of the Land, as namely, in Mr *Walter Lindsay's* house, in *Balgay*, in *Angus*; in the young Laird of *Bonintoun's* house of *Birnes*; in the Earle of *Angus's* house of *Bothwel*, in *Clidisdale*, and in the places of his residence in *Douglasdale*; in the Earle of *Huntlies* houses of *Strabogie*, and old *Aberdeen*; in the Earle of *Errol's* houses of *Logyamond* and *Slaines*, prove clearly, that either they finde themselves sufficiently assured of

such

such favour and assistance within the Countrey, as may plainly maintain their cause by force; or else that they are perswaded of the aid of strangers to be in readines, as in due time may serve for their relief; before that his Majestie and the Professors of Religion performe any thing in effect, in their contrair; or otherwise they durst never so openly disclose their Idolatrie.

The refusal of the benefite of the Act of Abolition, offered to them by his Maj. to the great grief of his good Subjects, proveth sufficiently the same: For it is very probable and manifest, that they would never have refused so great a benefite, unlesse they had thought themselves fully assured of a greater, either by favour of Court, and assistance within the Countrey, or by concurrence and aid of strangers without.

Their refusal to enter in ward, notwithstanding his Maj. indignation, and all that might follow thereupon, proveth the same.

The late arrival of the bark at *Montrose* evidently sheweth, that their dangerous practises are presently at the point of execution, against Religion and the Countrey, and must hastily bring forth some great inconvenience, except it be prevented and resisted by a present remedie.

The open conventions of the fore-named Excommunicat Earles, holden at *Brochen*, & other places, since the arrival of the said bark, declare, that they esteem their courses to be now so substantially led, that they regard not what may be done for resisting of the same.

The diligence of the said Excommunicats, in preparing & putting their whole forces in the North in arms, & readines upon advertisement, sheweth, that they have some present enterprise, and attend only upon concurrence, which apparently they are very much animated to look for, since the arrival of the said bark.

Whereas his Maj. and Estates, at the first discovery of their Conspiracies, apprehended a very great danger to the true Religion, the King's Estate and Crown, and libertie of the Countrey; and notwithstanding, that the same causes of danger yet remaine unremoved, there is no apprehension of any danger, nor earnest care to withstand it; it is evident, that either there is an inclination, and purpose to cover, extend, and bear forth the evil cause, wherethrough they will not see; or else the Lord in judgement hath blinded, & hardened the hearts of all Estates, that they cannot see; which is the greatest danger of all, & a most certain argument of the wrath of God, & of his heaveie judgement, hanging over the Land, & so much the more to be feared, because there is no cause of fear apprehended.

The Remedies.

The Kings Answer.

For remedie of the foresaid Dangers, the Assemblie ordaineth the Commissioners to deal earnestly with his Majestie, that he may apprehend the peril, and be moved with a bent affection, to proceed against the fore-named excommunicat Papists and Traitours, as followeth.

That the said Excommunicats be forfault- There shall nothing be undertaken without favour, and to that effect, that done on my part; as I have at the Parliament, appointed to hold the twen- length declared to the bear- ty seventh of this instant, be holden precisely without any kinde of delay, the Advocate being sufficiently instructed in every

1594

point, that the summons may be found relevant, and sufficient probation provided.

2.

That none suspected of their Religion be chosen upon the Articles. Great reason, and farther, as I have shewed the foresaid bearers.

3.

That they be pursued after the forfeitrie by way of dead with all extremitie, and their lands and rents annexed to the Crowne, to remain with his *Ma.* & his Successors for ever, and no part thereof be disposed to any, in favour of the persons forfeited. Great reason, the forfeitrie being ended.

4.

That in the mean time his *Ma.* guard be employed for apprehending *Mr Walter Lindsey*, the Abbot of *Newabbay*, *Bonington* younger, *Mr George Ker*, *Mr Alexander Leslie*, *Thomas Tyrie*; with all other traffickers, Jesuits & seminarie Priests, not contained in the summons of forfeitrie. How willing I am to be employed in apprehending any practising Papist, I remitte to the bearers declaration.

5.

That the rebels houses be charged, taken and manned, and their livings introneted with, and taken up to his *Ma.* use without favour, and that no part thereof be disposed to their friends, or any other person for their commoditie. Great reason, how soon they are forfeited: and I thank them for their counsel.

6.

That all persons be inhibited under the pain of treason, and losse of life, lands and goods, to reset, supplie, rise, concur, or have intelligence with the foresaid excommunicats, under whatsoever pretence of vassals, dependers &c. Great reason, their forfeitrie alwayes preceeding.

7.

That all the Subjects be charged to put themselves in armes, in the best manner they can, and remain in full readines to pursue and defend, as they shall be certified by his *Ma.* or otherwayes finding the occasion urgent. To be readie at my charge is very meet, but I understand not the last clause of urgent occasion.

8.

That the bark arrived at *Montrose* be seized upon; and the persons that were within her, together with such others, as they shall be given up in ticket, be called, and diligently examined for the discoverie of the practices and purposes, which they have presently in hand. I shall omit no diligence in that, which can be required at my hands, as I shall answer to God.

9.

Forasmuch as the Lord *Home* hath contraveened sundrie points, wherein he was obliged to the Kirk of *Edinburgh* by his promise, at the receiving of his subscription, as namely, the not satisfying the Assembly of *Fife*, in not receiving a Minister in his house, in not removing out of his companie Captain *Andrew Gray* and *Thomas Tyrie*, *Distingue tempora, & concordabis Scripturas*, the bearer will shew to you the meaning.

whereby,

whereby, as also by his slanderous life since his subscription, he hath given just cause of suspicion to the Kirk, & all good men, that in his heart he is not yet truly sanctified, and converted to the true Religion; therefore that his *Ma.* would take trial of the premises, and thereby judge, if there appear in him such a sincerity of life and Religion, as his *Ma.* may confide into, and the Kirk look for sure friendship in so dangerous a time, in the cause of Religion: which not being found, that his *Ma.* would remove him from his companie, and discharge him of all publick Office and Commandment.

That the guard, presently taken up, be tried, together with the Captains, in respect of many complaints given-in against them to the Assembly.

The complaints belong not to their Office, alwayes I have satisfied the bearer herein.

JAMES REX.

Alexander Lord Home compeared in the twelfth Session. He pretended ignorance of sundrie directions and conditions, set down to him by the Presbyterie of *Edinburgh* in *December* last, when he subscribed the Confession of faith. Confessed in the presence of God, and his Holy Angels, that he professeth from his heart the Religion professed by this Kirk here present; whereof he had already subscribed the articles before the Presbyterie of *Edinburgh*, promising to defend it to the uttermost: & abrenounced the *Roman Catholick* Religion, as the *Antichristian* Religion, and directly opposite to the truth of God: which he testified by holding up his hand; and solemnly protested before God, that he hath no dispensation, nor indult, to subscribe, nor swear to the said articles. In the 14. Session, he craved to be absolved from the Sentence of Excommunication. The Assembly thought meet, that certain Articles should be set down in writ, to be subscribed by him, for proof of his unfained repentance, before he be absolved. In the 15. Session, first he ratified and approved the Subscription, and Oath given by him, to the Confession of Faith at *Edinburgh* the 22. of *December* last; and after with a solemn Oath, holding up his hands, agreed to the Articles set down by the Assemblie, and subscribed the same; that is, to swear again *de novo* to the Confession of Faith, in face of the whole Assemblie, as shall be thought expedient. To remove, and hold out of his companie, all Papists and Traffickers against the true Religion; & intertain in his house *Mr Archbald Oswald*, as his ordinar Pastor; and failing of him, some other by advice of the Presbyterie of *Dumbar*. To resort to the hearing of the Word, and to Communicat. To make his Familie, his tenants and servants subject to the Discipline of the Kirk. To repair ruinous Kirks, and provide sufficient Stipends for Ministers within his bounds. To concur with his counsel, credite & assistance with others, for maintenance of true Religion publickly professed. To have no intelligence with the excommunicat Popish Lords, Jesuits, seminarie Priests or trafficking Papists; nor solist for them, or shew them favour directly or indirectly, in judgment or out of judgment: Nor to reason, or suffer reasoning

against

10.

The Lord Home reconciled to the Kirk.

1594.

against the true Religion, or any point thereof, where he may inhibit the same. That he imploy his moyen, and be careful to apprehend, and presente to justice, *Mr Alexander Mackgubirrie*, and all and whatsoever Jesuits, seminarie Priests, and trafficking Papists, that shall resort within his bounds &c. The Assemblie notwithstanding ordained whatsoever Presbyterie, that shall finde him guiltie of contraveining the said articles, or conditions, to direct the proceſſe to the Presbyterie of *Edinburgh*, to whom the Assemblie giveth Commission summarily to pronounce the sentence of Excommunication against him. He was solemnly absolved in the 16. Session by *Mr David Lindsey*, who was appointed to that effect.

Instructions and Articles for Sir Robert Melvine of Mordecainie, and Alexander Home of Northberwick, Commissioners for his Maj. at this present Assemblie, to be proponed in his Maj. name.

1. To protest that his *Maj.* royal priviledge, lately set forth by the Act of Parliament, be not prejudged in conveyeing of the General Assembly; and to that effect, that before their dissolving at this time, they direct some of their number to his *Maj.* to be resolved by him upon the time and place of the next meeting of the General Assemblie, according to his *Maj.* proposition, and their promise in the last General Assembly holden at *Dundie*.
2. That they will ratifie and approve, by Act of this present Assemblie, their promise made to his *Maj.* in their foresaid last Assembly, that in any thing, at any time, that any of the Ministrie had to crave, or to complain to his *Maj.* they should do it by particular conference with himself, & not utter publickly in pulpit any unreverent speeches against his *Maj.* Person, Council or Estate, under the pain of deprivation; and that for this cause they would presently try & censure one of their number, who hath contravened the said Act: and in special, that they would examine so many of their number, as were present at the last Synodal Assemblie holden at *Perth*, and charge them upon their great oathes and Consciences, first to declare what treasonable and unreverent speeches of his *Maj.* they heard *John Ross* utter publickly from the pulpit, in all their audiences: and next, whether they censured him for the same or not; & to desire them in his *Maj.* name, that according to the Synods censuring of him, they would judge him as he demeriteth on the one part, and his *Maj.* modest behaviour, ever since the beginning of that turn, on the other part, hath deserved.
3. That they would Excommunicat *Mr Andrew Hunter*, for bringing a scandal upon their profession, as the first open traitour of their function, against a Christian King of their own Religion, and their natural Sovereigne.
4. That by Act of Assembly they will ordain every particular Minister within their charge, to dissuade, as well by publick as by privat exhortation, the flock committed to their cure, from concurring with the treasonable attempts of *Bothwell*, or any other traitours, that rise, or shall raise themselves up against the lawful Authoritie, placed by God in his *Maj.* Person: and specially, that they take heed narrowly, and suffer not one of their flock to be seduced, under the colour of Religion, or what.

soever

soever false pretext, to receive wages, or become souldiers for service of any Persons; except they see his *Maj.* Commission and warrant; & namely of *Bothuel*, who hath presently in diverse parts of the Realme attempted the same.

That in respect the time of the Parliament is at hand, and the occasion will shortly serve for declaring his *Maj.* godly and honest intention for pursueing of the popish Excommunicat Lords, both by Law and otherwise; that therefore they will select one or two Commissioners of the discretest and wisest of every principal Presbyterie, and give them Commission to attend upon his *Maj.* at this time, as well that his *Maj.* may have their good advice and assistance, in this good turn, which concerneth no lesse the state of Religion, then the state of his *Maj.* Crown and Countrey; and likewise that his *Maj.* may by their moyen direct and informe, what he would wish to be done by the rest of the Ministrie, as occasion shall serve from time to time to be present.

JAMES. REX.

The Answers of the Assemblie.

Touching the time & place of the General Assemblie, the same is appointed by advice of his Highness Commissioners present, according to the Act of Parliament.

The Act made by the General Assembly at *Dundie*, is *de novo* ratified, and the particular of *John Rast* resolved, as his *Maj.* shall be informed more particularly by the Commissioners of the Assemblie, which are to be directed to his Highness.

Touching *Mr Andrew Hunter*, the Assembly hath proceeded, and given our sentence of deposition against him for his offence, till he satisfie his *Maj.* and the Kirk.

Every particular Minister within his Charge, is straitly commanded, to dissuade their flocks, as well by publick as privat exhortations, from concurring with the treasonable attempts of *Bothuel*, or any other Traitor to his *Maj.* that raiseth, or shall raise themselves up against his Authoritie; and likewise to take heed, and suffer not their flock, under colour of Religion, or whatsoever false pretext, to receive wages of any Person without his *Maj.* warrant; and namely of the said *Bothuel*.

They have appointed a reasonable number of Brethren to wait upon his *Maj.* for satisfaction of the last Article.

Master Andrew Hunter had deserted his flock, and followed *Bothuel*, allured with his pretences; and therefore was deposed from the Ministrie, and being forced to leave the Countrey, went to *Holland*, where he became Minister to a regiment.

Upon the first day of the Parliament holden in *June*, after a short exhortation made by *Mr Patrick Galloway*, the King himself had an harangue. He said, he had used plaister and medicine hitherto, in dealing with the rebellious Lords; but that not availing, he was now to use fire as the last remedie. He declared, that this present Parliament was but a continuation of the former: Because at the former, the Earles were summoned to compare, and answer so such crimes, as should be laid to their Charge; but disobeyed. Next, that he had convocaed certain of the Nobilitie, to whom he gave Commission to cognosce of their faults, who found, that they should be absolved from all former offen-

1549.

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The ex-
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1594.

Prince
Henrie
baptized.The battle
of Balrin-
ness.The King's
road to the
North.

ces upon certain conditions, which they had not performed. *Farther*, that he had required them by an herald, to enter their Persons in ward, till they were tried, which they also contemptuously disobeyed; & therefore required the Estates to do in that cause, as God and equitie should require. The Excommunicat Lords were found guiltie of high treason, forfaitured, and their arms riven.

Upon the penult of *August*, the *Prince* was baptized in the Chappel Royal of *Stirling*, where were present the English Ambassadour, two Ambassadours of *Denmark*, the Ambassadour of the Estates, the Ambassadour of the *Duke of Brunswick*, and the Ambassadour for the *Duke of Mekleburge*. The solemnities used, in the time of Baptisme, and at the banquet, I omit.

Commission was given to *Archibald Earle of Argile*, a young Man of eighteen years of age, or thereby, at the instant sollicitation of the Ministrie, to invade *Huntlie*, for the slaughter of the Earle of *Murray*, his neer kinsman. Forces were gathered on both sides. *Argile* was not purposed to fight, till the Lord *Forbes*, Lord *Lovet*, *Mekenzie* and others came to him, as was suspected. They stayed upon the King, who was coming with forces, according to the proclamation. *Huntlie* and *Errol* knowing, that *Argiles* forces were to increase, marched forward to prevent the joining of others with them. *Lochinell* had made passion with *Huntlie* by writ, that where he saw a yellow standart, he should pursue there; and if he had any ordinance, charge that part. He was malecontent, because *Argile* had execute one of his Brethren, for the slaughter of *Cadell*. Failing *Argile* and his brother, he was to succeed to the Earledom. Their forces joine at *Balrinness* the third of *October*. If the Highland men, that were in *Argile* & *Lochinells* companie, had not fled; & on the other side, *Huntlie* had not had carted pieces, never one of *Huntlies* side had escaped. There was slain, as they report, of *Argiles* company five hundreth; but not a landed man among them, except three, *Lochinell*, and two of *Mackenzies* dependers. Upon *Huntlies* side, not a Gentleman, but was not either hurt or slain, some few excepted: *Sir Patrick Gordon of Achindown*, *Geight* and some others of note, were slain, beside a number of others. *Argiles* forces consisted of five thousand, but the most part naked Highland men. *Huntlie* and *Errol* had fourteen hundreth horsemen, on their side. *Macklean* was the man that did most valiantly, & did greatest harme to *Huntlie*, having a jack upon him, a murrion and a danish ax.

Upon the fourth of *October*, the King went from his palace of *Haddinghouse*, and entred his journey towards the North. The Earle of *Mortoun* was left lieutenant in the south parts, till the Kings return, specially because of *Borthwick*, who was to levie souldiers, as was reported, in time of the Kings absence. The composition of such as were licensed to remain at home, together with the contributions of Barons and Burghes, were bestowed upon waging of horsemen and footmen. The town of *Edinburgh* sent three bands of souldiers. The King cometh with his forces to *Aberdeen* the 15. of *October*. The rebels kepted themselves to close, that no knowledge could be had, where any of them lurked. And indeed by reason of the losse *Huntlie* and *Errol* had at *Balrinness*, they were not able to make resistance at this time. The pay to the waged horsemen and footmen was almost consumed: It was therefore thought

expedient

expedient by the King and Council, that a man of credite should be directed to the Burghes, to move them to send with diligence the second moneths pay, with the rest of the first moneths pay. *Mr James Melvine* was chosen as the fittest man: For the King had desired *Mr Andrew Melvine*, *Mr James* and some other Ministers, to accompany him to the North, to bear witness of his proceedings. The Burrowes had offered to sustain a thousand footmen for the space of two moneths. *Mr James* receiveth a Letter of credite, and is commanded by the King to assure the Ministers of *Edinburgh*, and to desire them to publish it in sermon, that, seeing the Rebels were fugitive, their principal houses should be demolished, to testifie his utter indignation against them. *Mr James* undertaketh the business wonderfully, but had not past two dayes in his journey, when moyen was made to the King to spare the houses, and only take a view of them. When they were at *Strabogie*, and were consulting what should be done, the most part inclined to spare the house. The Lord *Lindsey* and the Captains of the horsemen and footmen were so instant, that at last the King resolveth to demolish the house, and gave charge to the Master of work, for that effect. The like was done to the *Slaines*, a house belonging to the Earle of *Errol*; & *Newtown*, a house belonging to *Newtown-Gordoun*; and *Balgay*, a house belonging to *Mr Walter Lindsey*. A number of Barones, and their confederats, found caution not to haunt nor frequent with any of the saids Lords, or their Associats. The King returneth from *Aberdeen*, about the ninth of *November*, and leaveth *Ludowick Duke of Lennox* a Lieutenant, with *Sir Robert Melvine* of *Mordecarrie* and *Sir John Carmichael* of that ilk, & an hundred horsemen & an hundred footmen. The Barones of the Countrey were appointed to assist them, as well by counsel as otherwise. He was *Huntlies* Brother in Law; & therefore it was presumed, that he was too favourable to be imployed in such an action. Yet it was reported, that he travelled with *Huntlie* and *Errol* to depart out of the Countrey; for satisfaction to the King.

Upon the eleventh of *Februar*, the justice Clerk and *Alexander Homa* of *Northberwick* urged the Presbyterie of *Edinburgh*, with the Excommunication of *Bothuel*; After much business, the matter was delayed till the next tuesday, that they might have a fuller meeting; and then the rest of the Presbyteries of *Lothian* might be sent for by the King. They convened the 18. of *Februar*, and after reasoning, whether they made up an ordinaire or extraordinary Assemblie, it was agreed, that *Bothuel* should be presently Excommunicated, as by the Presbyterie of *Edinburgh*; at the Kings command, and not as by that full meeting. So the sentence was pronounced by *William Aird*. The Laird of *Spot* one of his chief followers, the Laird of *Geigh*, *Colonel Boid* were Excommunicated at *Stirling* the penult of *April*, by a number of Ministers convened at *Stirling* by the Kings direction; the King himself being present; and urging. The greatest difficultie stood in Excommunicating the Laird of *Spot*; the Ministers of the Presbyterie of *Edinburgh* all except *Mr David Lindsey*, disassenting; and so did *Mr Andrew Melvine*.

The General Assemblie convened at *Montrose* the 24. of *June*, *Mr James Nicolson* was chosen Moderator.

1594.

1595.

Bothuel
Excommunicated.A General
Assemblie

1595.

The Articles presented by the King's Commissioners.

His Maj. craveth, that there may be an Act made, ordaining, that whosoever shall at any time practise any treasonable enterprize or conspiracie against his Maj. Person, or Estate, being found & declared culpable of the same by the Law, shall likewise incur the sentence of Excommunication for the same; that thereby there may be an inseparable union betwixt the two swords.

That order be taken concerning Excommunication, specially in three points. *First*, That it be not at the appetite of one or two particular men; and that there be no proceeding, till first a convenient number of the Kirk be gravely assembled. *Secondly*, That it be not for civil causes or small crimes, specially Ministers particulars; lest they be thought to imitate the Popes cursing, & so incur the like contempt. *Thirdly*, That the forme of summar excommunication without any citation be alluterly abolished in times coming.

Item, in respect Mr John Craig is awaiting what hour it shall please God to call him, and is altogether unable to serve any longer, and his Majest. mindeth to place John Duncanson with the Prince, and so hath no Ministers, but Mr Patrick Galloway: Therefore his Highness desireth an ordinance to be made, granting him any two Ministers he shall choose.

The Answers of the Assemblie.

First, where as an ordinance is craved to be made against practisers of any treasonable enterprize, or conspiracie against his Highness Person or Estate, being found and declared culpable thereof by Law; that they therefore shall incur the sentence of Excommunication: the General Assemblie agreeth, *legitima cognitione Ecclesiastica praeunte*.

As to the order craved to be taken concerning Excommunication, specially in three points, contained in the second Article. The *first* is condescended unto, and also the *second*, that no Excommunication shall be used in causes meerly civil, or in small matters. As for abolishing in times coming of summar Excommunication without citation; that point being of great weight, and craving mature deliberation, the Assembly hath thought meet to supersede all conclusion thereanent, till the next Convention, where by Gods grace they minde to resolve thereupon, and that none of the Ministrie proceed in the mean time to Excommunication without citation preceeding, *Nisi periclitetur Ecclesia & Republica*.

Touching his Maj. suit concerning his Ministers; it is agreed, that his Maj. shall have choice of the most grave, learned and godly Brethren of the Ministrie, with the advice of the Commissioners following, which are to be directed to his Highness, *Videlicet*, Masters Robert Bruce, Andrew Melvine, James Melvine, David Lindsey, David Ferguson, James Balfour, Thomas Buchanan, James Nicolson, Andrew Lamb, or any six of the said Brethren, who are appointed to meet the 22. day of July next.

Touching the Acts of the Assembly, the Brethren ordained, that the same be sighted, and the special Acts, concerning the Practice of the Kirk, be extracted, and joined with the Book of Discipline, to be pub-

A Com-
mission for
the Acts of
the Assem-
bly.

lished

blished either in writ or print, that none pretend ignorance; and that Masters *Robert Pont, Thomas Buchanan, James Melvine, John Johnston* and *James Carmichael* concur with the Clerk to that effect. This Ordinance took no effect.

Sir *James Chisholme* compeared, craved Gods mercie for his Apostasie, renounced *Antichrist* with all his errors, & desired earnestly to be received in the bosome of the Kirk. He was absolved from the sentence of Excommunication, in the ninth Session.

Commission was given to Masters *James Melvine, Thomas Buchanan, James Balfour, Robert Rollok, Walter Balcanquell, Nicol Dalgleish, James Nicolson* and *Alexander Forbes*, to convene the first day of *Januar* next to come, to try & consider the Doctrine, Life & Diligence of the Masters of the Colledges, the Discipline and Order used by them, the estate of their rents and living: And where they finde abuse, to reforme, so far as they are able; such things, as they cannot take order with, being remitted to the next Assembly: And to report to the next Assembly, what they effectuat.

Commission was given to some Brethren, to call before them such Persons of the Ministrie, in the bounds particular divided unto them *respective*, who since the Act of Assemblie, made in the year 1578. have set their benefices with diminution of the rental, or conversion of victual in silver: and to proceed against them with the sentence of Deposition; which shall stand in force, aye & while they restore the benefice to the own integritie, wherein it stood at their entrie. Every Presbyterie was ordained to send to them information. The Heeds to be enquired of every Presbyterie, were these following. 1. To take up from every beneficed Person the present rental of his benefice. 2. If he hath set tacks, and to whom, privatly or publickly; and if need require to exact his oath thereupon. 3. To enquire what was the Estate of his benefice, when he entred to the same, whether it was hurt or vitiat by his predecessour. 4. To take diligent inquisition, not only by report of the beneficed Person himself, but by others that know the just value thereof, what the benefice was worth, and payed of old at the best Estate. 5. What the samine would extend to in yearly dutie of tithes, or otherwise, if it were free of tacks; and if there be need, that the Presbyterie or Commissioners call an inquest of men of best knowledge in the Countrey about, to declare the veritie, and send the same to the Judges appointed, in due time, with the whole circumstances before rehearsed. The Commissioners appointed were sworn for faithful execution of their commission, except Masters *Robert Bruce, Thomas Buchanan, Patrick Simpson, Henrie Livingston*, who were not present.

Because many Kirks were not planted, for want of provision, and stipends were changeable from year to year, whereby Ministers were withdrawn from their Kirks; and so their Flocks neglected, and their callings disgraced, some Brethren were chosen out of every Province, to the number of eighteen, and ordained to sit and convene in *Edinburgh*, the first of *September* next, to set down a constant Plar: And before their sitting, every Presbyterie was appointed to deliver to these Brethren, chosen out of their Provinces, betwixt and the 15. day of *August* next to come, a resolute information, written in forme of a Book *in mundo*, of the state of their Kirks, in the Heads following, *videlicet*, of the names of the benefices within their bounds, whether the samine be se-

1595.

Sir James
Chisholme
absolved.

A Com-
mission for
visitation
of Colled-
ges.

A Com-
mission for
trial of be-
neficed
persons.

A Com-
mission for
a constant
& interim
plat.

1595.

veral benefices, or annexed; who is Patron, and who Possessor; by what right the same is enjoyed; the old rent, the present rent; the just avail; what Kirks may be united, or divided. The information being received and collected, it is ordained, that the said Commissioners convened, as said is, shall appoint to every Presbyterie several dayes, to direct a Brother fully instructed by them with the constant Plat of the Kirks, within their Presbyteries; and the said Brethren shall be directed with the Commissioners foresaid, to conclude and put in forme a constant Plat of their Presbyterie, and so forth to proceed, till the work be fully complete: And that, after compleeting of the same, the said Commissioners give warning to every Presbyterie, to direct a Brother to consider the whole work; which being allowed by the said Commissioners, & Brethren sent from every Presbyterie, which are considered to be fiftie in number, that the ratification of the same be sought by his Maj & Council. Power was given to the said Commissioners, to set down a Plat for an *interim*, which being concluded by the said Commissioners, and a Brother directed from every Presbyterie, it was ordained, that there should be no reclamation from the same; but what shall be concluded, either concerning the constant Plat or interim, shall stand in force and full effect, as if the same had been concluded by the General Assembly. The Commissioners were all taken sworne, except Masters *John Knox*, *Patrick Galloway*, *Alexander Douglas*, *John Clappertoun* and *John Howison*, who were not present.

The death
of Chan-
cellour
Maitlan.

Upon the third of *October*, *Sir John Maitlan* Chancellour departed this life. His practices, at his first entrie to Court, were pernicious, and offensive to the Godly many years after; but in end he was careful to repair all wrongs, so far as he might, to keep peace betwixt the King and the Kirk. Yet it was thought by sundrie, that all the good he did, he did it to win the Ministrie, to strengthen himself against *Bothwell*. Howsoever it was, he granted before his departure, that he offended that man of God *Master Knox*, and wished he had built an hospital, when he built his Castle at *Lauder*.

The Kings
licence to
admit An-
gusto Con-
ference.

The King dispenseth with all and whatsoever processes, sentences and doomes of forfaiture, pronounced against *William*, sometime *Earle of Angus*, till the day of to the effect that in the mean time, he may have the occasion of such of the Ministrie, as the Kirk shall appoint, and of others the sincerer and unsuspected professors of the true Religion, as he shall call unto him, for his resolution, during the said space: Because, as was alledged, he was willing to obey the Lawes, and professe the true Religion, if after conference he may be moved in Conscience: And giveth libertie to the Earle of *Mortoun* to receive and intertain him, and to all other lieges and subjects, sincere and unsuspected professors of the true Religion, to intercommune with him personally, or by letters, without any crime, pain or danger to be incurred by them thereby. A motion was made by some Ministers at the Synod of *Lothian*, holden in *October*, in the privie conference, about conference to be granted to the Earle of *Angus*. *Mr John Davidson* opposed, and said, it favoured much of defection in these dayes, that such a notorious rebel to God, his Kirk and the Countrey, that hath been twice Excommunicat, and ever deceived the Kirk, and hath pollured the land with masses, should be heard, before further trial be had of his repentance. We should not rashly open a door to bring - in the rest of Gods enemies,

without

without better proofe of their manners, nor we have yet seen. *Mr David Lindsey* alledged, the King had given him licence to stay with a Nobleman, to attend upon Conference. The King ought not to have given licence, said *Mr Davidson*. *Mr Walter Balcanquhal* added, that a Synod might not meddle with a matter, which concerned the state of the whole Kirk, without a General Assembly. Other Brethren were of the same judgement. The day following *Mr Davidson* desired the Brethren, to request the King to execute justice upon such a notorious traitour, and to put him in minde, how, at the discoverie of their conspiracie, he said, it past his reach to pardon so high a treason.

This year is a remarkable year to the Kirk of Scotland, both for the beginning, & for the end of it. This Kirk was now come to the greatest puritie that ever it attained unto; so that her beautie was admirable to foreign Kirks. But the Devil envying the happines, and laudable proceedings of the Ministrie, and Assemblies of the Kirk, stirred up both Papists and Politicians to disturb her peace. The Papists perceived there was no rest for them in Scotland, if the authoritie of the Kirk continued. Politicians feared that their craft and trade, which is to use indifferently all men and means to attain to their own ends, and to set themselves up, as it were, in the Throne of Christ, should be undone. Whereas at her earnest desire, the Apostate Earles *Angus*, *Huntlie* and *Erroll*, were forfaulted for an unnatural and treasonable conspiracie with the *Spaniard*, & were expelled out of the Countrey, & she was now setting her self to reforme whatsoever abuses and corruptions were perceived in her members, and against the reentrie and restoration of the said Earles. But was forced, by craft and policie of politicians, and disssembled Papists, to take her self to the defence of her own liberties, and of that holy Discipline, which was her bulwark, and to desist from farther opposition to the reentrie of the excommunicat Earles. For some thornie questions, in points of Discipline, were devised, whereby her Authoritie was in many points called in doubt. Ministers were called before the Councell, to give account of their rebukes in Sermon, & to underly their censure. The Ministers of the Kirk of *Edinburgh* were forced to lurk, and that Kirk, which was a watch tower, and shined as a lamp to the sea, was darkened, and no less danger appeared to threaten the rest. In a word, in the end of this Year began a fearful decay, and declining of this Kirk, which continued long, proceeding from worse to worse, so that the Godly did see greater corruption, nor ever they looked to have seen in their dayes.

In the beginning of *Januar*, the lieges were charged by Proclamation, which was printed, to prepare themselves by matters, and otherwise, for withstanding of the *Spaniard*, to lay aside all particular quarrels, and to intertain peace in the borders, & shewing that the ambitious pretence of the King of *Spain* to make conquest of the Crown, & Kingdom of *England*, is more then manifest, as hath appeared by his innumerable practices within the space of these 19. or 20. years past: but especially by that crime, which he rigged out in the year of God 1588. wherein so great provision was made for conquest, as they lacked nothing uncarried with them, that was necessarie, not only for helping them to overcome, but likewise for settling and setting them down after their victorie; as numbers of Monks, Priests, and all sort of shavellings, for exercising their corrupted Religion; as also wives, and bairnes, with all kinde of

1595.

1596.
This year
remarkable.

A Proclamation for
withstanding the
Papists.

In this
year the
King of
Spain
made
a great
army
to
conquer
England.

household

1596.

household gear and plenishing, requisite for dwelling: that the greatness of his losse hath so emboldened him with bitterness of revenge, as he has ever since bended his whole wits, and imployed all his power, to make his last and greatest faired inevitable; and for that cause, has appointed this next Summer to be the full period of time, for perfecting that great purpose. What great perill this his pretended conquest might carry with it to the state of our Countrey, we (saith the King) leave it to the consideration of any Scottish man, that is not blinded with his buds; and how so great and ambitious a Monarch of nature, ever given to conquering, professing, yea the onely patron of that tyrannick and bloudie Religion, which is directly opposite to that truth, which in the great mercies of God we professe, can become our nearest neighbour, undivided by seas, or any other impediment, without the evident hazard of our utter thraldome both in soul and bodie, the subversion of our Crown and Estate, and the redacting of this whole Nation, so long free, to a perpetual slavery; the accustomed fortune of all the Countreies, that are by force brought under his Dominion. *Camden* reports, in his *Annals*, that this Proclamation was very acceptable to *Queen Elizabeth*: yet there is no mention made of the trafficking of our Apostat *Earles* with the King of *Spain*, both in the 1589. year, and 1592. year, the memorie whereof was yet recent. Yea, labour was made before the end of this year, to have them reconciled to the Kirk, that thereafter they might be restored.

The *Ostavians* chosen.

About the beginning of this year, were chosen eight Commissioners by the King and Council, called the Commissioners of the Exchequer, but by the people *Ostavians*, by reason of their number; to whom was committed the oversight, and administration of the Kings rents, properties and casualties: because the King was superexpended, and that through the default of those, who had that charge in former times. Their names follow, *Alexander Setoun* President of the Session, *Mr John Lindsay* of *Balcarras*, *Walter Stewart* Prior of *Blantyre*, *Mr John Skeen* Clerk of Register, *Mr Peter Young* Eleemosynier, *Sir David Carnegie* Laird of *Colluthie*, *Mr James Elphinstoun* one of the Senators of the Colledge of Justice, and *Mr Thomas Hamilton* the Kings Advocat. They were solemnly sworn without feod or favour to respect the Kings well and profite. The King, on the other part, consented to dispoone none of his casualties without their consent, at least of four of their number. The Master of *Glasgow* demitted his office, but not without contentation, and *Walter Prior* of *Blantyre* was constituted Treasurer in his room. *David Setoun* of *Parbroth* Comptroller, and *Mr Robert Douglas* of *Glencudan* Collector, demitted their offices, a while before. This change portended a great alteration in the Kirk; for some of their number was suspected of Papistrie. All these were Counsellors, and swayed the affairs of the Countrey.

The advice of the presbyterie of *Haddington* to the general Assembly.

The General Assembly convened at *Edinburgh* the 24. of March. In the beginning of the Assembly, there was some consultation upon the causes of their conveening. Whereupon *Mr John Davidson*, the Minister at *Saltcriston*, and a member of the presbyterie of *Haddington*, produced the advice of that Presbyterie, touching the two heads of the letter sent to them to advise upon, *viz.* of Universal Pacification, and order-taking for resisting the enemies, and maintenance of the libertie of the Religion, and the Countrey. The advice of the first was, that yet once at the last, the chief and grosse sinnes of all Estates, which

pro-

procured presently the wrath of God, be agreed upon by name severally, and acknowledged by this Assembly, for the more easie provocation of the whole bodie of this Realme to earnest repentance; and to begin at themselves of the Ministrie, by the acknowledging of their offence in their own persons and office particularly, the Catalogue whereof was in readyness to be seen. *Next*, that the Assembly agreed upon the right taking up of the sinnes of the Prince and Magistrats, and on the sound means to deal with them faithfully, for their true amendement. *Thirdly*, that the most notorious sinnes of the whole bodie of the people in Burgh and Land, be given-in, and order taken for speedy amendement by the Ministrie and Magistrats. As for the *second* heed, that their judgement was, that the sound following of the advice, touching the first heed, would make an easie way for the second. Their advice particular was committed to the Commissioners of the Presbyterie. This advice was approved, and he was desired to give up the Catalogue of the offences and corruptions of all Estates. He presented the Catalogue of the offences in Ministers upon the third day of the Assembly. Mr *Andrew Melvine* desired, the censure answerable to the offence to be added: whereupon some Brethren were appointed to go apart, and to consider what offence meriteth admonition, what deprivation; which they did.

Upon the 25. of *March*, the King himself came to the Assemblie, and urged a contribution to be lifted up through the whole Realme, when need should require, to withstand the *Spaniard*. Mr *Andrew Melvine* answered, that it was agreed upon at the roade in the North, that the rebels livings should be taken up for maintainance of the common cause, and their wives and friends deprived thereof; which was not done. The King answered, He could not redresse that, because it was done by his deputies there, with advice of the Ministrie, that their wives and friends should take up their livings, during their absence. Mr *Andrew* replied, that the agreement was never valid *ab initio*, and the time was expired. The King made no direct answer. Mr *Davidson* urged substantial meddling with the lands and goods of these detested rebels, and applying them without farther delay to the use of the common cause, at the sight of all men, otherwise doubtfulness cannot but remaine in mens hearts. Then he directed his speech to the Moderator, to discharge his dutie to the King, concerning the other point. The King answered, He would not have any man to think, that if there be any grosse fault to be found in him, or any of his House, or Councell, that they would refuse to be judged by this Assemblie, or any of the number, providing it be done privatly. Ye hear, said Mr *Davidson*, his *Maj.* offer; therefore, in the name of God, I exhort you, discharge your dutie at this time, seeing in this publick defection, and now when God has threatned us for the same; every state has their own grosse sinnes, as ye have alreadie seen in the Ministrie, and ye are shortly to try the offences in his *Maj.* House, Councell and Magistrats, and other inferiour estates, that ye discharge your dutie, otherwise I protest, if ye fail, that we, that are the servants of Christ, shall finde fault with you and his *Maj.* as becomes us. But whether yonder way that his *Maj.* speaketh of, by admonishing privatly for open sinne, and manifest continuing therein, if it be according to the word of God, ye are to judge. I speak this, said he, for the libertie of our message. The King made no answer. Mr *David Lindsey*, a flatterer at Court, casteth in untimously an act touching the Plat for Ministers stipends.

The Kings
motion to
the Assem-
blie.

1596. Some Barones and Ministers, appointed to devise overtures, for resisting of the enemies of Religion and of the State of the Country, as well forreigne, as intestine, exhibited the same Sess. 5. as followeth.

1. That all such, as have appeared in action with his *Maj.* forfaulted rebels, and their known favourers and assisters, be charged to enter their persons in ward, there to remaine, aye and while they finde sufficient caution, that they shall not traffick, nor intertain any intelligence with the said rebels, or any other enemies to the State or Religion; nor shall joine with them, nor make them any assistance, in case they repair within the Country; and that they give their eldest sonnes, or neere friends in pledge, for the more sure observing of the same.

2. That the whole livings of his *Maj.* foresaid rebels be taken up exactly, by his *Maj.* Officers, to be appointed for that effect, and to be employed for intertainment of waged men, for the defence of the good cause against the enemy, and for bearing of other charges, necessarie for advancing of the said cause, as one of the effectual meanes to encourage all such, as are known to be best affected to the good cause, to concur to the uttermost.

3. That there be chosen in every parish by his *Maj.* authoritie, and voices of the Minister, Session and principals of every Parish, Captains known to be most meet, and of best affection, to convene the whole parishioners in armes monethly to musters, and to see that they be sufficiently armed according to their abilitie, and trained up in the exercise of their armes: and siclike that there be chosen general Commanders in diverse shires and quarters of the country, to convene in armes at all occasions needful, to resist all attempts and enterprises of the enemy forreign, and intestine.

4. That the whole cautioners, which became bound for the good behaviour of the said rebels without the Countrey, be charged before the Council, and convicted in the penalties, contained in the acts of the cautionrie; and that the said penalties be employed upon the sustentation of waged men, and other burdens needful for the well of the cause.

An humiliation appointed.

Upon Friday the 26. of *March*, it was agreed, that there should be humiliation, after that the offences of the ministrie were read and considered, and that some zealous brother should lay them forth in doctrine: and that they make solemn promise before their departure, to discharge their ministrie more carefully. To which effect Mr *John Davidson* was chosen, and tuesday next at nine hours was appointed for the time.

The advice of the Brethren, deputed for penning the corruptions and enormities in the ministrie, and their remedies, approved by the General Assemblie.

Forasmuch as by the light trial, and too sudden admission of persons to the ministrie, it cometh to passe, that many slanders fall out in the persons of Ministers; it would be ordained, that in time coming more diligent inquisition and trial be used of all such persons, as shall enter in the ministrie, and specially in these points.

That the Intrans be posed in his conscience before the great God, and that in most grave manner, to show what moveth him to accept the office and charge of the ministrie upon him.

That

That it be enquired, if any by solicitation or moyen, directly or indirectly, presseth to enter in the said office, which being found, that the soliciter be repelled; and that the Presbyterie repel all such of their number from being in the election and admission, as shall be moyeners for the soliciter, and be posed upon their consciences to declare the truth to that effect.

Because many are thrust-in forceably in the Ministrie upon Congregations by presentation, who manifest after, that they were not called by God; it would be provided, that none seek presentation to benefices, without the advice of the Presbyterie, within the bounds where the benefice lyeth: and if any do the contrair, that they be repelled as *rii ambitus*.

That the trial of persons, to be admitted to the ministrie hereafter, consist not only in their learning and abilitie to preach, but also in conscience and feeling, and spiritual wisdom, and namely the knowledge of the bounds of their calling in Doctrine, Discipline and Wisdom, to behave themselves accordingly with diverse ranks of persons within *their* flocks; as namely with Atheists, the rebellious, the weak in conscience, and such other, wherein the pastoral charge lyeth most; and that they be meet to stop the mouthes of the Adversaries: and that such, as are not qualified in these points, be delayed till farther trial, and till they be found qualified. And because men may be found meet for some places, which are not meet for other, it would be considered, that the principal places of the Realme be provided of men of most worthie gifts, wisdom and experience; and that none take the charge of a greater number of people, then they are able to discharge: that the Assembly take order herewith, & that the act of the Provincial Assembly of *Lothian*, made at *Linlithgow*, be urged.

That such as shall be found not given to their book, and studie of the Scriptures, nor careful to have books, nor given to sanctification in prayer, nor studie to be powerful and spiritual; not applying the doctrine to corruptions, which is the pastoral gift; obscure; and too scholastick before the people, cold & wanting zeal; negligent in visiting the sick, & in caring for the poore; undiscree in choosing parts of the word; flatterers, dissembling at publick sinnes, and specially of great persons within their Congregation, for flattery, or for fear; that all such persons be censured according to the degrees of their faults, and that they, continuing therein, be deprived.

That such as be slothful in the ministration of the Sacraments, and irreverent, as profaners by receiving cleane and unclean, ignorants and senselesse, profane & such as make no conscience of their profession, in their callings and families; omitting due trial, or using none or light trial; having respect in their trial to persons, in whom is manifest corruption: that all such be sharply rebuked; and if they continue, be deposed: and if any be found a seller of the Sacraments, that he be deposed *simpliciter*: and such as collude with slanderous persons, and dispense or oversee them for money; that they incur the like punishment.

That every Minister be charged to have a Session in his Congregation, established of the meetest men; & that discipline strike not only upon grosse sinnes, as whoredom, bloudshed, &c. but upon other sinnes, repugnant to the word of God, as blasphemy of the Name of God, banning, profaning the Sab-

1596.

bath, disobedience to parents, unrulie, idleness without calling, drunkenness and such like debaucherie of men, that make no conscience of their life, or of ruling of their families; and specially of education of their children, lying, slandering, backbiting, breaking of promise: and that this order be observed universally throughout the Realme; and such as are negligent herein, and continue so after admonition, that they be deposed.

That none, falling in publick slanders, be received in the fellowship of the Kirk, except the Minister have some apparent warrant in conscience, that he had both a feeling of sinne, and apprehension of mercie: and for this effect, that the Minister travel with him by doctrine and privat instruction, to bring him to the same; and specially by the doctrine of Repentance, which being neglected, the publick place of repentance is turned to a mocking.

Dilapidation of benefices, demitting of them for favour or money, to become laick Patrons, without the advice of the Kirk; interchanging of benefices by tradition, or transacting, and by that occasion Ministers transporting themselves without advice of the Kirk, to be punished precisely. Siclike setting of tacks, without consent of the Assemblie, to be punished according to the acts; and that the demission in favours for money, or other wayes above written, be punished as dilapidation.

Corruptions in the persons and lives of Ministers.

That such, as are light and wanton in behaviour, as in gorgeous and light apparel, in speeches, and in using light and profane companie; unlawful gaming, as dancing, carding, diceing, and such like, not beseeming the gravitie of a Pastor, be sharply and gravely reprov'd by the Presbyterie according to the degree thereof, and continuing therein, after due admonition, that they be deprived, as slanderous to the Gospel.

That Ministers, found to be swearers or banniers, profaners of the Sabbath, drunkards, fighters, guiltie of all these, or of any one of them, be deposed *simpliciter*: and siclike liars, detractors, flatterers, breakers of promises, brawlers and quarrellers, after admonition continuing, incur the same punishment.

That Ministers, given to unlawful and incompetent trades and occupations for filthie gain, as holding of hostleries, taking of usurie beside conscience and good lawes, bearing worldly offices in Noblemen and Gentlemens houses, merchandice, buying of victuals and keeping to dearth, and such-like worldly occupations, as may distract them from their charge, and may be slanderous to the Pastoral calling, be admonished, and brought to an acknowledgement of their sinnes, and, if they continue, be deposed.

That Ministers, not resident at their flocks, be deposed, according to the acts of the General Assembly, and lawes of the Realme; Otherwayes the burden to be laid on the Presbyterie, and they to be censured.

That the Assembly command all their members, that none of them wait upon Court, and the affairs thereof, without advice and allowance of their Presbyterie.

That they intend no action civil, without the said advice, except in small matters. And for remedie of the necessitie, that some Ministers

have

have to enter in plea of law, that it be craved, that short proceſſe be deviſed, to be uſed in Miniſters actions.

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That Miniſters have ſpecial care to uſe godly exerciſes in their families; and to teach their wives, children and ſervants to uſe ordinarie prayers, and reading of Scriptures; remove offensive perſons out of their families, and uſe other like points of godly converſation, and good example; and that at the Viſitation of Kirks, Miniſters families be tried in theſe points foreſaid, and ſuch as ſhall be found negligent, after due examination, ſhall be judged unmeet to governe the houſe of God, according to the rule of the Apoſtle.

That Miniſters, in all companies, ſtrive to be Spiritual and profitable, and to talk of things pertaining to godlineſs; namely ſuch as may ſtrengthen them in Chriſt, inſtruct them in their calling, and the means how to have Chriſt's Kingdom better eſtabliſhed in their Congregations, and to know how the Goſpel flouriſheth among their flocks, and what are the hinderances, and the remedies; and that the contraveeners be tried, and ſharply rebuked.

That no Miniſter be found to countenance, procure, or aſſiſt a publick offender, challenged by his own Miniſter for his publick offence, or to bear with him, as though his Miniſter were too ſevere upon him, under the pain of admonition and rebuking.

Touching General Aſſemblies, to urge the keeping of the acts anent the keeping of the Aſſembly.

Upon tuesday the 30. of *March* 1596. the Miniſters and other Commissioners convened in the little Kirk, at nine hours, one of the doores being ſhut, another ſet open for a certain ſpace, for their entrie, whereby it came to paſſe, that few were preſent, the whole number amounting to four hundred perſons, all Miniſters, or choiſe Profeſſors. After the firſt prayer, *Maſter Davidson* cauſed read the 3. and 34. Chapters of *Ezekiel*. Then, ſaid he, ſeing it pleaſed God to move them to choiſe him, the unworthieſt and unmeeteeſt in the number, to occupy the place of a Preacher that day, they were nor to look, that he came there to be cenſured by them; but to uſe the authoritie of a Teacher, as to diſciples in that reſpect: and yet did he not take from them the libertie that God gave them to try the ſpirits, whether they were of God, or not. He ſhewed that the end of that Convention, was the confeſſion of their own ſinnes, and promiſe of amendement, and ſo to enter in a new League with God, that being ſanctified by Repentance, they might be the meeter to provoke others to the ſame. He was ſo powerful and moving in application, that within an hour after they entred in the Kirk; they looked with another countenance nor that wherewith they entered. He exhorted them to enter in privie meditation, and to acknowledge their ſinnes with promiſe of amendement. So while they were humbling themſelves for the ſpace of a quarter of an hour, there where ſuch ſighes and ſobs with ſhedding of tears, among the moſt part, every one provoking another by their example, and the Teacher himſelf by his own, that the Kirk reſounded. So that the place might worthily have been called *Bochim*: for the like of that day had not been ſeen in *Scotland*, ſince the reformation, as every one that was preſent confeſſed There have been many dayes of humiliation for preſent judgements, or imminent dangers; but the like for ſinne and defection, was never ſeen ſince the reformation. After prayer and publick confeſſion, he treated upon *Luke* 12. 22. wonderfully aſſiſted

The Covenant renewed with humiliation.

Jer. 23. ch.

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by Gods Spirit, to cast down and raise up again the brethren. The exercise continued till neer one afternoon. When the Brethren were to dissolve, they were stayed by the Moderator, and desired to hold up their hands, to testify their entering in a new league and covenant with God. They held up their hands, presently and readily, which was a moving spectacle to all that were present.

That the Covenant might be renewed in the Synods after the same manner, it was concluded afternoon, as followeth.

The cove-
nant to be
renewed
at the
Synods.

Self. 12. Forasmuch as the Brethren of the Ministrie, convened in the General Assembly, have with solemn humiliation acknowledged this day their finnes and negligences before God, and have entred in a new Covenant with him, protesting to walk more warily in their wayes, and more diligently in their charges: and seeing a great part of the Ministrie is not present at this action, the assembly commandeth the Brethren of the Synodal Assemblies, to make the like solemn humiliation and protestation, as was observed by the General, at their next convening; and so many as shall not be at their Synod, to do it at their Presbyteries.

Self. 13. Touching the articles concerning their *Maj.* persons and houses, the Assembly hath nominated *Masters Patrick Galloway, James Melvine, James Nicolson*, to conferre with their *Maj.* there-
anent.

Offences in his Majesties house.

First, as strangers, and other good Subjects, repairing to the Court, have been comforted to see Christian Religion religiously exercised; so now they are some what troubled, seeing the exercises of the reading of the word at table, and reverent saying of the grace before and after meat, diverse times omitted.

That on the week day, the repairing to hear the word is more rare then before; and that his *Maj.* be admonished to forbear hearing of speeches, in time of sermon, of them that desire to commune with his *Maj.*

Privie meditations in Spirit and Conscience with God earnestly to be recommended to him.

His *Maj.* is blotted with banning and swearing, which is common to Courtiers also, and is moved by their example.

His *Maj.* would labour to have good company about him which is gravely to be recommended to his *Ma.* to put in practice. *Robertland*, and others that are suspected, to be removed; Murderers also, Papists and profane persons.

The *Queen's Maj.* Ministrie to be reformed, her company, her not repairing to the Word and Sacraments, night waking, balling; and such like concerning her Gentlewomen.

The common corruptions of all Estates.

An universal coldnesse, and decay of zeal in all Estates, joined with ignorance, and contempt of the Word, Ministrie and Sacraments; and where there is knowledge, no sense nor feeling, which sheweth it self manifestly by this, that they want religious exercises in their families, as of prayer, and of reading of the word, or the same for the most part

abused,

abused, and profaned by cookes, stewards, jackmen, and such like, the masters of the families being ashamed to use these exercises of godliness in their own persons; and no conference at their tables, but of profane, wanton and worldly matters.

Superstition and Idolatry is intertaind, which appeareth in keeping of festival dayes, bonfires, pilgrimages, singing of carols at Yule.

Great blasphemie of the holy name of God, among persons of all estates, with horrible banning and cursing, in all their speeches.

Profanation of the Sabbath, and specially in seed time and harvest, and common journeying on the Sabbath, trysting on worldly matters, exercise of all kinde of wanton games, keeping of markets, dancing, drinking, and the like.

Little care, reverence or obedience of inferiors to their superiors, and als little care of superiors to discharge their dutie to inferiors; as where children plead in law against parents, and many marrie against their parents will, and without their consent: and on the other side, no care of parents for their education in vertue and Godlinesse.

A flood of bloodshed arising thereupon, and an universal assistance of bloodshed for eluding of the lawes, adulteries, fornications, incests, unlawful marriages, and divorcements allowed in judgement, and children begotten in such marriages, declared lawful, excessive drinking and waughring, gluttonie, which is no doubt the cause of dearth and famine, gorgeous and vain apparel, filthie and bloudie speeches.

Sacrilege in all estates, without making any conscience, growing continually more and more, to the utter undoing of the Kirk, and staying of the planting of the Gospel; cruell oppression of the poor tennents, whereby the whole commons of the Countrey are utterly wracked by extream dear setting of their roomes, and holding out of their cornes by unanimous teinding, and extream thralldom in services.

Oppression, under pretext of law, by usurie, and by contracts against law, forstalling of markets, and regrating; whereby the price of victual is raised to the great hurt of the poor; garnelling of victual, and with-holding of the same from the markets, and not threshing the corne out in due time.

A great number of idle persons without lawful calling, as pipers, fiddlers, songsters, forners, pleasants, strong beggars living in harlotrie, and having their children unbaptized, and no wayes repairing to the word.

Offences in the courts and judgement seats.

Universal neglect of justice both in civil, and criminal causes; as namely in giving of remissions and respites for blood, adulteries and incests; no execution of good lawes against vices, or in favour of the Kirk: and for civil matters, the judges for the most part unmeet, either in respect of want of knowledge, or of conscience, or of both; and when any office vaiketh, the worst men are advanced, both to high and inferior rooms.

No execution against the adherents of the detected enemies, or the enemies themselves; nor imploying their livings to the use of resisting the enemies, whereby the enemies are rather benefited then hurt.

The odious murder at *Dunnibirste* not punished.

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Sacrilegious persons, as *Abbots*, *Priors*, dumb *Bishops*, voting in Parliament in name of the Kirk, which is contrair to the lawes of the Countrey, whereby the cause of the Kirk is damnified.

The Session is charged with buying of pleases, delaying of Justice, and briberie, which is evident by extraordinarie and sudden conquests.

Grieves to be meaned to his Maj. in name of the Assemblie by their Commissioners, touching the principal offences in the state of the Countrey, that remedie may be provided in time by his Maj. Council and Authoritie.

It is humblie meaned to his *Maj.* that to the great hazard of Religion, and of the peace of the Countrey, and to the grief of all good men, the faulted rebels, and enemies of his *Maj.* Estate, enjoy their Land and Livings as peaceably, and to their greater advantage, then when they were at his *Maj.* peace within the Countrey; and their confederats and friends, partakers and assisters with them and their treasonable attempts, are suffered to have so great libertie, never having so much as once entred their persons in ward, nor given surety and pledges for their good and dutiful behaviour, and obedience to his *Maj.* in case it shall happen the said rebels, or any of the forreign enemies to repair within the Countrey for disquieting the state thereof, as if they had immunitie and exemption from all lawes, to confirme themselves for strengthening of the hands of the enemies, when they shall happen to arrive, as appeareth their intention is, by their preparation of force, armour, and leagues of friendship, which they are daily binding up.

Diverse Jesuits and excommunicat Papists are intertaind within the Countrey, detaining in their errors such as they have perverted, and inducing others to the same, and holding them in hope of the returning of the Popish Lords, with the assistance of strangers; and namely *Mr Robert Abercrommie*, *Mr Alexander Makquhirrie*, the *Abbot of Newabbay*, *John Gordoun of Newtown*, the young laird of *Bonintoun*, *Alexander Leslie of Peill*, *Patrick Conne*, *Alexander Ramsey* and diverse others.

That in many places of the Countrey, for lack of provision and sufficient stipends for Pastors, the people lye altogether ignorant of their salvation, and dutie to God and the King, whereby Atheisme and all kinde of vice overfloweth the Land, there being about four hundred Parish Kirks destitute of the Ministrie of the word, by and attour the Kirks of *Argile* and the *Iles*.

It is regrated universally by his *Maj.* lieges, that through the delaying, perverting and eluding of Justice, murders, oppressions, incests, adulteries, and all kinde of heinous crimes abound.

It is to be humblie meaned, that the Brethren of the Ministrie, that have gotten any meane provision or help by the assignation made Anno 1595. are delayed, and frustrated of Justice by the Lords of Session, refusing to decide their suspensions, according to the Act of Februar 1587.

Articles to be proponed to his Maj. for remedie of the said grieves.

For remedie of the former grieves, it is humbly to be craved of his *Maj.*

that

that the Lands of the forfaulted rebels be disposed to such, as are known to be most meet, and of best affection, to resist the enemies of Religion, and of his *Maj.* Estate, both forreign and intestine: and in the mean time that their livings be taken up, and intromitted with, by his *Maj.* Officers, and imployed upon the intertainment of waged men, and other necessarie uses, for the maintenance and advancement of the good cause: and that the Ladie *Huntlies* eldest sonne be brought South to be trained up in the knowledge of good letters and Religion; and that the Lairds of *Clunie*, *Geight*, *Aberyeildie*, *Cowbairdie*, *Craig* younger, *Alexander Hay* of *Auchmathie*, *Buckie*, *James Knolles*, *Cowie*, *Barclay*, *Patrick Conn* and the rest of their principal friends and confederats, that have appeared with them in action, in their treasonable enterprises against his *Maj.* be charged to come South, and enter their persons in some special ward, there to remaine, aye and while they finde sufficient caution under great summes, that they shall never traffick, intercommun, supplie, entertain intelligence, or give any kinde of assistance to his *Maj.* Rebels, or any other enemies of Religion whatsoever, and give sufficient pledges for their sonnes and nearest friends to that effect.

That his *Maj.* give Commission to some of his special servants, and others known to be of abilitie and good affection, to search, seek and apprehend, and present before his *Maj.* Mr *Robert Abercrombie*, Mr *Alexander Makgubirrie*, the *Abbot of Newabbay*, *Alexander Ramsay*, the young laird of *Bonintoun*, *Alexander Leslie* of *Peill*, *John Gordoun* of *Newtown*, and other Jesuits and excommunicat Papists, as their names shall be given up in roll.

That his *Maj.* would prosecute his good purpose and intention, declared before the Assembly, touching the planting of all the Kirks within his Countrey, with qualified Pastors, and sufficient provision of stipend for their intertainment: and for that effect, that he would give commission to the Visitors, nominated by the General Assembly, to take inquisition of the Estate of all Kirks within the bounds of their Visitation, and to deal with the Tacksmen and Possessors of the tithes in his *Maj.* Name, for sufficient provision to Ministers out of the rent of every Parish, and to report the same to his *Maj.* Commissioners, appointed for the work of the Plat in the Act of Parliament, and provide some honest means for the intertainment of their charges in their journey.

That his *Maj.* take some substantiall order, by advice of his Councel and Estates, how the principal judgement seats, & other inferiour judgements, may be purged of unqualified and corrupt persons, and supplied with others meet to discharge that calling faithfully, for the comfort of his *Maj.* peaceable and well disposed Subjects.

That his *Maj.* would command and ordain the Lords of Session to minister justice to the Brethren of the Ministrie, that have gotten any augmentation to their mean stipends, or new provision, by the modifiers appointed by his *Maj.* Commission 1595. years, and that according to the Act of *Februar* 1587. as they are bound by their solemn Oath and promise; seing the extraordinarie dearth urgeth them with so great necessitie, that unless his *Maj.* have consideration of their Estate, they and their families will be driven to extream povertie and want.

Forasmuch as it being considered by the Assemblie and Commissioners present, to be a thing most necessarie, that the most dangerous parts of

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the Countrey; and where least, or no planting is, a Visitation shall be appointed to occur to the dangers alreadie fallen out, or that may further fall out, if they be not prevented, and for the better planting of the Ministrie, where it is not yet planted, the Assemblie hath given and committed and by the tenor hereof gives and commits, their full power and Commission to their loving Brethren under written, within the bounds particularly underspecified, according to the division following, to visit and try the doctrine, life, diligence and fideliry of the Pastors within the Presbyteries, where they are established alreadie, and also in the bounds where as yet no Presbyteries are planted; and to take inquisition and trial, if there be any beneficed persons of the Ministrie not making residence, having no reasonable excuse; if there be any that have dilapidat their benefices, set tacks, or made to others a disposition of their benefices, or any part thereof, without consent of the General Assemblie; any slanderous, or unmeet to serve in the Kirk of God: and if any such be found, to proceed against them according to the qualitie of the said offence, and to the acts of the Kirk, assuming unto them such Brethren of the Presbyterie, where they make trial, as they think zealous, sincere, and best affected to Reformation, to assist them; with power also to depose such, as are worthie of deposition by the Acts of the Kirk, and place others in their rooms: and where there is no Presbyterie, the Brethren appointed to the Visitation of these bounds, to travel diligently to plant a Ministrie there, and to proceed in all the heeds above written by themselves, with the like power of deposition with the former: the particular times of their Visitations to begin as hereafter shall be appointed. And generallie in all things to proceed, as the Assembly might do, if they were present. That is to say, for the bounds of *Orkney, Zetland, Cathness and Sutherland*, Mr *Robert Pont*, Mr *Alexander Douglas* Minister at *Elgin*, Mr *George Monro* elder, to begin their Visitation the first day of *June* next: for *Ross, Murray and Aberdeen*, Mr *James*, &c. And ordaineth the Presbyteries, which have no Visitors appointed by this Commission, to be careful in their own Visitation; enjoining also the Presbyteries, out of which Commissioners are taken for Visitation, to cause supplie their places in their absence: and what the said Commissioners do in execution of the said commission, to report to the next General Assemblie.

Articles
proponed
by the
Commis-
sioners of
the plat.

The Commissioners for the constant Plat proponed some Articles to be advised, before they be past in acts. *First*, they thought it requisite, & craved that the Assembly would ordaine, that the Moderator of every Presbyterie give presentations, *jure devoluto*, of all benefices of cure, belonging to laick patrons within their bounds, that have not presented qualified persons, within six moneths next after the decease of the last possessor; and siclike of these benefices, which shall vaik hereafter, in case the said Patron shall neglect to present, within six moneths, Ministers serving, or that shall serve, the cure of the said Kirks, under the pain of deprivation; and that the said Ministers accept their presentations, and pursue them: and in case there be not actual Ministers present at the said Kirks, in that case, that the said Moderator deal effectually with other qualified persons to accept the said presentations, and to prosecute the same by Law. *Next*, that all beneficed persons, that are here present at this Assemblie, be moved presently to interdict themselves from all setting and disposing of any part of their benefices, to whatsoever person

or

or persons, without the speciall consent and allowance of the General Assemblie, and that the interdiction be subscribed by such as are present, and that others, who are absent, be urged by their Presbyteries to do the like, immediatly after the dissolving of the Assemblie. *Thirdly*, because the Kirk, in diverse places of the Countrey, sustaineth hurt through lack of qualified persons in the Ministrie, instructed and trained up in the Schooles of Theologie: therefore it is required, that an Act be craved in this Assemblie, ordaining every Provincial Assemblie to furnish sufficient intertainment for a Bursar in this new Colledge of *Saint Andrews* this 1596. year, and so forth yearly in all time coming: and that every Provincial Assembly shall have the priviledge to present the said bursar so oft, as the said place shall vaik: and in case there be any of the Ministers sonnes, within the Province, of meet gifts for the said place, that they be preferred to all others by the Ministrie; and after the expiring of his course in the Studie of Theologie, that he be found to bestow his travels within the Province, where his gifts may be answerable; and that it be not lawful to the said Bursar, to imploy his travels in any other place, except with speciall advice, and consent of the said Province. *Fourthly*, seeing the necessitie of the common affairs of the Kirk craveth, that there be a continual travelling, and attendance at Court, both for the furtherance of the present work, which is in hands, touching the planting of the Kirks: as likewise, because of the continual diligence of the enemies waiting at all occasions, specially when they finde any slackness upon the part of the Kirk, in the discovery, and resisting of their enterprises. Therefore it is craved, that the care and burden of the common cause be laid upon some Brethren by the General Assemblies, either of them that are Residents here about Court, or else of some others, to be appointed out of diverse parts of the Countrey, because otherwise there is none that finde themselves bound in conscience, that have the care thereof, or to take any paines therein. The Assembly agreed to the *first*, *second* and *fourth*; but ordained the *third* to be moved first in the Provincial Synod.

Here end the sincere General Assemblies of the Kirk of Scotland.

How the Covenant was renewed in Synods, I take the Provincial Synod of *Fife*, holden at *Dumfermline* the 12. of *May*, for an example. After exhortation made by *Mr William Scot* Minister at *Couper*, *Mr James Melvine* was chosen Moderator. The articles of reformation, set down in the last Assemblie, were read distinctly in publick audience, and ordained to be insert in the Book of the Synod, and every Presbyterie was commanded to have the copie thereof in their bookes, & every one of their members to extract a copie for their own remembrance. *Mr James Melvine* discoursed upon the last Chapter of *Joshua* from point to point, with such power and force, that all were forced to fall down before the Lord with sobs and tears, and to search their own wayes in privat meditation. Thereafter he made open Confession in name of the rest, of unthankfulness, undutifulness, negligence, coldness, hardness of heart, instabilitie, vanitie of minde, follie of speech, & conversation fashioned after the world, &c. *Finallie*, trembling & weeping for the misusage of so honourable a calling, & quaking for fear, that such a weight of Gods wrath was lying upon them, for the bloud of so many soules belonging to their charge, they weeped bitterly, and sought grace from God for amendement. After this

The Covenant renewed in the Synod of *Fife*.

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confession, the Moderator proceeded in his discourse, and after diverse other points of Doctrine, Admonitions & Exhortations, delivered for the purpose, every one, by lifting up of the hand, testified before God mutually, one before other, the sincere and earnest purpose of their heart to studie to amend, and serve God better in time to come, both in their lives, and in the great office of the Ministrie, &c. Thereafter discoursing upon these words, *ye are witnesses against your selves this day, &c.* He applied them to the present purpose. So with their own consent it was agreed, that a minut and summe of that whole action, should be insert & registrat in their book, there to remaine for a remembrance, during their time, and for an example to the posteritie. Thereafter putting them in remembrance of the defection, made soon after the death of *Joshua*; for preventing of the like, and fastening of this Covenant the more firmly in the hearts of all the Brethren of younger age, he required some ancient Fathers to declare, what they had seen and heard concerning the great work of God, in planting and preserving the Gospel, and liberties of Christs Kingdom, with sinceritie in this Countrey. *David Ferguson*, the eldest Minister in the companie, discoursed, how that a few preachers, *videlicet* only six, whereof himself was one, went forward without fear or care of the world, and prevailed, when there was no name of a stipend heard tell of; when Authoritie both Ecclesiastical and Civil opposed themselves, and there was scarce a man of note or estimation to take the matter in hand, &c. But now the fear and flattery of men, care of purchasing, or fear of losing of moyen, or stipends, had weakened the hearts of a number of Ministers: and with all he made an exhortation for the purpose. Mr *John Davidson* subjoined a comparison of the new temple with the old. He was present in the mean time, as sent by the General Assemblie, together with Mr *Patrick Simpson*, to visite that Synod. Mr *David Black* followed with a powerful exhortation. Mr *Andrew Melvine* insisted upon the fear of defection, & put the Brethren in remembrance of a late proof of great weakness and backsliding; how many, for fear of want of their stipends only, were brought to a sort of denying Christ, by subscribing the acts of Parliament made anno 1584. what shall be looked for then, said he, if the *Spaniards*, who have lately taken *Calice*, should transport themselves in few hours in our *Firth*, and assay our constancie with fire and exquisite torment, upon which piece of service our Excommunicat and forfaitured Earles are attending. In end he exhorted them to fix this present action and Covenant in their memories. *David Ferguson* taught the second day at the Synod, and Mr *David Black* the third, framing their Doctrine to the present purpose. The Moderator ended with earnest prayer to performe the vowes they had made.

The Covenant renewed in the Presbyterie of Saint Andrews.

As for exemple of Presbyteries; upon the penult Thursday of July, the Covenant was renewed in the Presbyterie of *Saint Andrews*, by a very frequent assemblie of Gentlemen and Burgesses, prepared before for the purpose, by the Ministers in every Parish. The Covenants of *Ezra* and *Nehemiah*, which they made with the people, after they returned from *Babylon*, with fasting and prayer, were read distinctly: the Doctrine and Exhortation framed conforme to these heeds; & after meditation in privat, and publick prayer & confession, these vowes were made with holding up of hands. 1. The exercise of reading the word, prayer, & catechising of their children and families. 2. The resisting of all enemies to Reli-

gion.

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gion. 3. The planting of the Ministrie within their Parishes according to their abilitie, 4. To take order that there be no vagabond beggers. 5. To keep publick conventions better, and to discharge offices, and common duties for the well of the Kirk & Countrey. The Barones and Gentlemen convened after, and understanding that there was appearance of invasion by the *Spanjards*, and of the secrete return of the excommunicat Earles, they offered themselves freely, to be readie for resisting on their part; named their Captains of Horsemen and Footmen, and set down an order touching the armour and provision.

The Covenant was renewed likewise in Parishes; but it was neglected in many, at least delayed; specially in the Kirk of *Edinburgh*, where a fearful desolation followed, or entered shortly, as we shall hear.

Many Kirks of the Country lay unplanted for want of provision; and where Ministers were serving the cure in any Parish, they had their livings to seek in another part of the Country, far distant from the place where they served. Therefore the Ministers craved often, that provision might be made for every Kirk, for which use the thirds, allotted before, were not sufficient; and that every Minister might have a local stipend within their own Parishes; and that the Ministers be not intangled yearly with processes for their stipends, to be payed sometimes by one, and sometimes by another, at the pleasure of the Modifiers, and according to the assignation, which was changeable yearly. Commission was granted in a Parliament holden before in the year 1592. to certain Noblemen, Counsellors and Officers on the one part, and Ministers on the other part, to treat and prosecute the matter. Commandment was likewise given to the Lords of the Exchequer, to help with their advice and labours, to bring this matter to some perfection. The King complained to this last Assembly by his Commissioners, that some Ministers made the people understand, that He and his Council would stay the planting of Kirks, and take away the present livings possessed by Ministers; whereas He and his Council were most willing, that all the Kirks should be planted, and Ministers stipends augmented, so that it lawfully may be obtained with consent of Noblemen, and others, tacksmen of tithes, whose rights against order of law they could not impair. And after promised to this Assemblie, to cause his Commissioners, Counsellors and Officers, to convene presently, before the expiring of the Assemblie, with the Commissioners of the Kirk, to begin this good purpose, to lay the ground, and set down the order, time and place of convening, to prosecute the same to a finall end, conforme to the Act of Parliament. After much paines taken five or six years bygone, and diverse Commissions granted by the Parliament, and the General Assembly, and letters to deal with tacksmen, and all titulars of tithes, Mr *Alexander Hay* Clerk of Register held it an impossibilitie, as things stood in *Scotland*, to devise the forme of a good constant Plat; or if it were devised, to effectuat it. Mr *John Lindsey*, one of the *Oftavians*, devised a Plat, which was thought the best and most exact that ever was devised, till that time. The forme of this plat is prolix; and because it took not effect, I have not set down the full tenor of it. The rent and patrimonie, which pertained of old to the Kirk, was much damnified, and exhausted by annexation of the whole temporalitie to the Crown, by erection of a great part of the said temporal Lands of the Kirk, with diverse Kirks and tithes included therewith, in new temporal Lordships, and by the new fashion of setting of

A device
of a con-
stant plat.

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long tacks of the said tithes, and diverse nineteen years, and Liferents successive, for the payment of a small silver dutie, no wayes equivalent to the half of the reasonable value of the said tithes; and by the pretended right of so many Pensions, Liberties, Assignations, and other dispositions of the said tithes, and dutie of tacks; and by his *Maj.* right to the superplus of the thirds, common Kirks, first fruits, and fifth pennie of every Benefice, rights, and disposition of the same, proceeding from him after his tender age, and from his Predecessors, ratified for the most part in Parliament; whereby no moyen was left to augment a small stipend to a poor Minister, or to plant any new Minister at any Congregation; albeit the most part of all the Parishes of *Scotland* were destituted: Notwithstanding diverse Acts have been made in Parliament, that before the new provision of any Prelat, the Ministers at the Kirks and Parishes, united to the said Prelacie, should be first provided to sufficient stipends: And likewise in the tenth Act of of the Parliament holden 1567. it was ordained, that the whole thirds be first imployed to the use of the Ministers, ay and while the Kirk come in possession of their own Patrimonie, which was declared to be the tithes; and also in the said Act of Annexation, and other laudable Acts, it was provided, that Ministers should be sufficiently provided to livings, forth of the best and readiest of the spiritualities; and that they should be provided in title to all small Benefices; that they should be provided to manses and gleibes, for their residence at their Kirks; and that laick Patrons provide qualified Persons. Which Acts have not taken full effect; but on the contrair, the livings of the said Ministers is left uncertain, to be sought from year to year at the Kings Exchequer, out of the thirds, with infinite processe of Law, by reason of the manifold dispositions of the thirds to other laick Persons, proceeding from his Highness, as having right to the whole thirds, common Kirks, superplus, fifth pennie and temporalitie of every Benefice; and by reason of the collation of Benefices *pleno Jure* to Persons no wayes qualified, contrair to the good meaning and intention of the foresaid Acts of Parliament. For remedie of these evils, he would have had the whole tithes, both of Personage and Vicarages, as well united to Prelacies, and other Dignities, as not united, and other tithes whatsoever, to pertain to the Kirk, as their proper Patrimonie; and the tithes of all Personages and Vicarages, and other Benefices whatsoever, mortified to the Kirk, as her proper Patrimonie: That the Lords of the Exchequer, with such of the Ministers, as shall be appointed, being of equal number, modifie and assigne out of certain bounds of every Parish, a certain quantitie of victual of the teynd-schaves, and other duties of the Vicarage, as the nature of the ground may pay, with manse and gleib, as a local stipend to every Parish Kirk; notwithstanding the said Kirks be annexed to Prelacies, or other Benefices, or not; dotted to Colledges or Universities, or otherwise pertaining to old Possessors, or to the Ministers newly provided in title thereto, at the Kings, or laick Patrons presentation; divided among many Prebendaries, Deanries or Chaplanries, or not divided; common Kirks, or other, whatsoever qualitie or condition the said Parish Kirks have been of; or whatsoever way the tithes of the same have been enjoyed in times bypast, and notwithstanding of whatsoever right his *Majest.* may pretend to the thirds, superplus, first fruits and fifth

pennie

pennie of the said benefices; and notwithstanding of all pensions, tacks, assignations, liferents, erections of the said tithes, or any part thereof, in a temporal Lordship, provision to Prelacies, or other benefices, unions, or divisions of the said Parishes, and other dispositions of the said tithes, or any part thereof whatsoever, proceeding from his *Maj.* or his predecessors, after his or their perfect age, to whatsoever Castles, Colledges, Universities, or particular persons; and notwithstanding of whatsoever other tacks, pensions, liferents, sewing of the said tithes with lands, and sewing of the said gleibes, and other dispositions whatsoever, made by Prelats, or Beneficed persons with consent of their Chapters, to whatsoever Particular person, Colledge or Universitie, for whatsoever space of years, or yearly dutie: and notwithstanding of the Priviledge of the Lords of Session, and acts of Parliament, and other lawes bygone, unions, annexations and incorporations of severall Parish Kirks to a Prelacie or other Benefice, or division of the Fruits of a Parish among many Prebendries, or Chaplaries, or others; and notwithstanding of all other impediments. That these have power to assigne the local stipend at every Parish out of such special townes and lands of the said Parishes, and to unite severall Parishes in one, or dissever and separat one in moe, with consent of the Parishioners. Which local assignations of stipends, and tithes whatsoever of the particular townes and lands to be specified, shall appertain as freely to the Minister of the said Parish, as if he had been provided of old in title thereto, with power to the said Minister to collect, intromet with, and to make warnings and inhibitions against the possessors of the said tithes, manses and gleibes, with as great effect, as any Parson or Vicar, or any other beneficed person, might have done in any time by past, without prejudice of the said Ministers right to the whole remanent of the said benefice, when the same shall vaik, and fall in their hands by the decease of the present possessors, reducing or expiring of Tacks, or other wayes whatsoever, and of the free disposition there upon. For better execution of the premisses, he bringeth in the King, & Estates dissolving whatsoever unions of severall Parish Kirks to Prelacies, Benefices of dignities and others; suppressing and abrogating the name and stiles of the said Prelacies and Dignities, and uniting of new the teyndes of every Parish, where the same were divided of old among many Prebendars, Chaplains or others, in a whole benefice; and ordaining, that Ministers be provided in title to every Parish Kirk in particular, which were before united to Prelacies now vacant, or which have vaiked in his *Higness* hands, since the Parliament holden anno 1584. or which shall vaik thereafter, and to all other severall Parishes vacant both to the Parsonage and Vicarage, with the manse and gleib of four acres of land; that after their decease, dimission or deprivation, other qualified persons be presented by his *Higness* and his Successors, or by others having the right of Presentation and Patronage. Then he setteth down a course for the valuation of tithes, both Parsonage and Vicarage, of every particular town and lands, and how to hold out dilapidations of the rents of the Kirk. Then he requireth a perfect rental to be made of the superplus of the rents of every Parish Kirk, by and attoure the foresaid local stipends; that the superplus may be disposed by advice of the Lords of the Exchequer, and Brethren of the Ministrie, appointed for modification of Ministers stipends, for upholding of Schooles, sustentation of the Poor, and com-

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mon affairs of the Kirk, and other Godly uses; howbeit the Ministers shall be provided in tittle to the whole benefices, and have the collection of the whole benefices, and have the collection of the whole fruits of the same, and libertie to reduce tacks or fewes, as any other beneficed Person might have done before: yet the said Ministers shall not have the free disposition of the said superplus to their own use, but shall be countable for it to them, who shall obtain the right thereof. Because the Prelacies were in effect before dissolved, their whole temporalities being annexed to the Crown, and Ministers stipends being ordained to be taken out of the Parish Kirks united, and incorporated within the same, like as by this order the whole spiritualitie and tithes should be mortified to the Kirk, whereby the said Prelacies should be utterly dissolved, and so cease in time coming to be one of the Estates in Parliament: Therefore he deviseth, that in time coming every Presbyterie shall send of their own number, a Commissioner to the Parliament, out of which number of Commissioners, the rest of the Estates shall choose so many, as being joined with the old possessors of the Prelacies, may make out the full and compleat number of those who shall have vote in Parliament, which number shall be equal with the number of any other of the Estates; and after the decease of the whole present possessors of the Prelacies, the whole number of the Kirks Estate shall be elected and taken of the said Commissioners of the Presbyteries, who shall have such vote, priviledges and liberties in Parliament, as the said Prelats had of before &c. Then he setteth down a course, how to satisfie those that enjoyed for the present the rents of every Parish Kirk, & some provision about leading of tithes. This plat, some few things being amended, would have been accepted of the Ministrie; but by reason of the alterations following, it took not effect.

A convention
at
Falkland.

About the end of *August* and beginning of *September*, the King called a Convention of Estates to *Falkland*, of such in special, as by favour or friendship were nearest joined to the Excommunicat Earles. *Alexander Setoun* brother to the Lord *Setoun*, and then president of the Session, advanced afterward to be Chancellour, had a harangue to perswade the King and Estates, to call home these Earles; lest like *Coriolanus* the Roman, or *Themistocles* the Athenian, they should joine with the enemies, and create an unresistable danger to the state of the Countrey. Sundrie of the Ministrie were written for to that Convention, such specially as might be most easily overcome. *Mr Andrew Melvine*, being appointed Commissioner by the General Assemblie, to see to the dangers imminent at all occasions, went also to the Convention. When the Ministers were called on by name, he went in with the first. The King findeth fault with him for coming in uncalled. He answered, *Sir*, I have a calling to come here from Christ and his Kirk, who have special interest in this turn, and against whom this Convention is assembled directly. I charge you, and your Estates in the name of Christ and his Kirk, that ye favour not his enemies, whom he hateth; nor go about to call home, and make citizens of those, who have traiterously sought to betray their Citie and native Countrey, to the cruel *Spaniard*, with the overthrow of Christs kingdom. Then breaking-in upon the greatest part of that Convention, he challenged them of treason against Christ, his Kirk and the Countrey, in that purpose they were about. The King interrupted him, and commanded him to remove. He obeyed, thanking God he had

exonerad

exonerated his minde. *Mr James Melvine*, *Mr David Lindsey*, *Mr James Nicolson*, *Mr Patrick Galloway* remained, heard all, uttered their minde, and adhered in effect to that which *Mr Andrew* had said.

In the Moneth of *September*, the Commissioners appointed by the last General Assemblie, and some others of the Ministrie, convened at *Couper*, understanding certainly that the Popish Lords were returned to the Countrey, & what purposes they had with their favourers and assisters, thought good to direct some of their number to the King, to crave, that these dangerous enterprises may be prevented. *Masters Andrew Melvine*, *Patrick Galloway*, *James Nicolson* and *James Melvine* came to *Falkland*, and were admitted into the Kings Cabinet. *Mr James Melvine* their mouth shewed, that the Commissioners appointed by the General Assemblie, to watch in so dangerous a time, had convened with certain of the Brethren at *Couper*. The King interrupted him, and challenged the meeting as seditious, and without warrant; and said, they made themselves and the Countrey conceive fear, where there was none. *Mr James* began to reply after his milde manner. But *Mr Andrew* taketh the speech from him, and howbeit the King was in anger, yet he uttered their Commission, as from the mightie God; called the King, *Gods sillie vassal*; and taking him by the sleeve, said this in effect, *Sir*, we will humble reverence your *Maj.* alwayes, namely in publick, but we have this occasion to be with your *Maj.* in privat, and you are brought in extream danger, both of your Life, and of your Crown, and with you the Countrey and Kirk of God is like to be wracked, for not telling the truth, and giving you a faithful counsel; we must discharge our dutie, or else be enemies to Christ and you. Therefore *Sir*, as diverse times before, so now I must tell you, that there are two Kings, and two Kingdomes. There is Christ and his Kingdome the Kirk, whose subject *King James* the sixt is, and of whose Kingdome he is not a King, nor a Head, nor a Lord, but a member; and they, whom Christ hath called, and commanded to watch over his Kirk, and govern his spiritual Kingdome, have sufficient authoritie and power from him so to do; which no Christian King nor Prince should control nor discharge, but fortifie and assist; otherwise they are not faithful subjects to Christ. *Sir*, when you were in your swadling clouts, Christ reigned freely in this Land, in spite of all his enemies. His Officers and Ministers convened and assembled for ruling of his Kirk, which was ever for your welfare also, when the same enemies were seeking your destruction, and have been, by their assemblies and meetings since, terrible to these enemies, and most steedable for you; will ye now, when there is more then necessitie, challenge Christs servants, your best and most faithful subjects, for their convening, & for the care they have of their dutie to Christ and you; when as you should rather commend and countenance them, as the Godly Kings and Emperours did? The wisdom of your Council, which is devillish and pernicious, is this, that you may be served with all sort of men to come to your purpose and grandour, Jew and Gentile, Papist and Protestant. Because the Ministers and Protestants in *Scotland* are too strong, and control the King, they must be weakned & brought low, by stirring up a partie against them, & the King being equal & indifferent, both shall be faine to flee to him: so shall he be well settled. But *Sir*, let Gods wisdom be the only true wisdom, this will prove meer and

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A conference
betwixt
the King
and some
Ministers.

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mad follie : for his curse cannot but light upon it ; so that in seeking both, you shall lose both : whereas in cleaving uprightly to God, his true servants shall be your true friends, & he shall compel the rest counterfitely and lyingly to serve you, as he did to *David*. Many other things he uttered with great libertie, till at last the King settled, and demitted them pleasantly, with many attestations, that he understood not of the returning of the Popish Lords. And howbeit the States had licensed them to make their offers, they should not be received, till they were out of the Countrey again ; and offer what they would, they should get no grace at his hand, till they satisfied the Kirk. This conference Mr *James Melvine* hath set down in his Memorials.

Offers in
Huntlies
name.

The Popish *Earles* notwithstanding remained still in the Countrey, and travelled with the Ministers by their friends for reconciliation, that they might remaine with the greater securitie. *Henriet Stewart* Countess of *Huntlie*, having Commission of her Husband, presented to the Synod of *Murray*, convened at *Elgine* the 16. of *October*, these offers.

1. To underlye the censure of the King and his Councel, if it could be tried, that he had been a trafficker with strangers, since his departure out of the Realme, in prejudice of the Religion presently professed, and State of his native Countrey.
2. That he shall give sufficient securitie not to attempt, assist or devise any thing, in time coming, tending to the alteration of Religion presently protested.
3. That he shall remove out of his companie all Jesuits, Seminarie Priests, Excommunicat persons, and notorious known Papists.
4. That he shall conferre with whatsoever of the Ministrie they or the whole Kirk shall appoint, and in case he may be moved by good reasons, he shall embrace the Religion presently professed.
5. That he shall receive an ordinarie Minister in his companie, for his better instruction, upon his own charges, and in the mean time shall keep good order.
6. For better assurance of his good meaning, he is content to assist Discipline for punishing of vices. Shee desired therefore a reasonable time, wherein he might be resolved in his conscience, that he may be absolved from the sentence of excommunication, that by their mediation, his *Maj.* favour and oversight to remain within the Countrey untroubled, during the time of the conference, may behad. Offered to give sufficient surerly for observing of these articles ; and in testimonie of his good intentions, that he shall assist the planting of Ministers, in the Kirks desolat within his bounds.

Lady Elizabeth
borne.

The *Queen* was delivered of a maid childe at *Dumfermline*, upon the 19. day of *October*. The Baptism was delayed till the 18. of *November*, which was celebrat at *Halyrudhouse*, and the name of *Elizabeth* imposed.

A convention
of
Ministers,

The Commissioners appointed by the General Assemblie, and Commissioners from diverse Synods, convened at *Edinburgh*, upon the 20. day of *October*, as was appointed before at the last meeting in *Couper*. After they had considered the imminent dangers, they determined to write to the Presbyteries, as followeth.

*The Spirit of the Lord Jesus strengthen you against the day of trial,
to fight the good fight valiantly, that ye may receive the Crown
of glory, at the appearance of the great Pastor.*

Their letter
to the
Presbyteries.

Right dear and welbeloved Brethren, the neer approaching of these great dangers, which a long time have been threatned against the true Re-

ligion,

ligion, and professors thereof within this Countrey, hath moved us at this time to assemble our selves, at *Edinburgh* the 20. of this instant, and to enter in a deep consideration both of the dangers, and likewise of the most expedient remedies to be used of us, in so dangerous a time, when as the enemies of the truth have had libertie without controlement to return, and remaine within the Countrey, for accomplishing their whole wickedness, according to their old intentions: whereanent we have thought it necessarie to communicat with you the summe of our conclusions, requesting you earnestly to consider the same, as appertaineth, & to conform your self thereunto, as ye would shew your selves zealous and careful of the Cause of God, and of the well of his Inheritance concredited unto you.

The Commissioners of the General Assemblie, after calling on the name of God, having taken earnest inquisition of the heeds under written, have found by certain & evident arguments & proofs, that the *Earles of Huntlie & Errol* are returned, and resident within the Countrey.

That they have no warrant or approbation of returning from his *Maj.* as his *Maj.* constantly affirmeth, wherethrough it appeareth, that either they have a secret force within this Countrey, whereby they think themselves able, according to the grounds of their old crueltie, to massacre such of the principal Noblemen, Barones, chief favourers of the good cause within Burghes and Ministers, as might principally impeach their godless course, that thereafter they might the more easily accomplish their whole iniquitie; or else they are assured of the assistance of strangers, whereby they may in open battel bear forth the cause.

Siclike, that they have had accesse by their Friends, Favourers, Ladies & Agents, to deal for their peace, at all occasions, as they have thought good, and have used exceeding great diligence therein, both with the King and Queen's *Maj.* and likewise with the Councel, and diverse of the Nobilitie and Barones; all tending to that end, that they might have libertie to return, and enjoy their livings peaceably within the Countrey, neither acknowledging their offences, in their treasonable dealing against the Estate of the Realme, neither the offence of their Apostacie; but standing to their honestie and good conscience both in the one, and in the other: whereby it is evident, that the hazard both of Religion, and of the quietness of the Countrey, is no lesse yet, in case their travels and credite effectuall their peace, as they intend it shall, nor it was in the time of their excommunication and forfaiture; seing the causes, of both stand yet unremoved by them, and unacknowledged for offences.

Item, that they have obtained an act of Councel, made in their favours at *Falkland*, and ratified in *Dumfermline*, ordaining licence to be granted to them for their returning, & remaining within the Countrey, upon such conditions, as should be proponed by his *Maj.* and Councel, to be performed by them. As likewise diverse of their friends and favourers are found to vaunt very proudly, that they have procured already his *Maj.* protection and peace, past and subscribed in Councel; and that they are encouraged to look assuredly for advancement to office, charge of guards and lieutenancies, as they have had before: which is probable and much to be feared.

Wherethrough it is manifest, that as in times past, by their traffick and godless practices, the Estate of Religion has been extreamly perilled, by inbringing & maintenance of Jesuits, Papists, Seminarie Priests, Traffickers

with foreign enemies, erecting of masses, perverting of sundrie professors of the Truth, treasonable dealing with the King of *Spain*, and other enemies to the Kingdom of Christ, for overthrowing of the Truth within the Countrey: And likewise by these same means, and diverse roades which they have made, and intend to make, and by roades & taxations made by his *Maj.* and the lieges, upon occasion of their treasons, the Countrey hath been oppressed and impoverished, his *Maj.* own Person & Crown endangered, the lives of good men in all Estates, specially such as were known to be the special favourers & maintainers of the good cause, sought by all meanes directly, as appeared evidently in the cruel murther at *Dunnibirstle*, & would doubtles have appeared farther against many others of the Nobilitie, Barones, Burrowes and Ministers, if the Lord in his great mercie had not resisted, and disappointed their bloodie intentions. So of necessitie as yet, seing there remains in them the same disposition, and ground of cause, whereupon their whole mischiefs have proceeded, the same effects must follow their credite, peace and advancement, to the subversion of Religion, wrack of the Countrey, hazard of his *Maj.* Person and Estate, & of the Estate and Lives of all good men within the land.

Remedies.

For remedie whereof, *first*, it is thought necessary, that all Presbyteries within the Countrey be particularly acquainted with the danger foresaid, and made to apprehend the same deeply, as it is; that thereafter they may set themselves the more effectually to use all convenient means for preventing thereof; and that every Minister within the Countrey be careful, as well in the Doctrine publickly, as in privie Conference, to informe the whole professors of the Truth thereof, and to bend his Doctrine and Prayers to that end, that they may apprehend the danger deeply, and be stirred zealouslie to seek of God in their prayers, the turning away thereof; and to be disposed in full readiness to resist it with their whole power, so far as lawfully they may by their calling.

Next, that there be a publick Humiliation, throughout the whole Countrey, to be kepted the first Sabbath of *December* next; and the cause, to be the said danger, which every one shall enlarge, according to the grounds foresaid.

That there be an universal Amendement urged in all Estates, and that the Ministerie go before as patterns in reforming of themselves, in every point of their life, and of their calling; and urging earnest reformation in all Noblemen, Barones, & other Gentlemen professors, & of their household; specially in such points, wherein they have been slanderous; and namely in Blasphemie and licentious Speeches, neglect of the exercise of Prayer, and reading of the Word at noon, and at evening, at table: and that there be appointed within every Presbytery some of the most discret Brethren, to deal with the principal Noblemen and Barones within the bounds, to that effect, and to the effect above-written.

That the Excommunication of the foresaid Earles be solemnly intimated, in all the Kirks within the Countrey, upon the next Sabbath after the sight of these presents.

That every Presbytery call before them all such Persons within their

bounds.

bounds, as intertain any secrecie with the foresaid *Earles*, or take any dealing for them, and that they proceed against them with the censures of the Kirk summarily *una citatione, quia perichitatur salus Ecclesie & Reipublice.*

Item, it is thought expedient, that an ordinarie number of Commissioners out of all the quarters of the Countrey, *viz.* one out of every quarter, shall have ordinary residence at *Edinburgh*, to communicat such advertisement, as shall come from diverse parts of the Countrey, and consult what is most expedient in every case. And for that effect there is appointed for the North quarter, *Masters Alexander Douglas, Peter Bleckburne, George Gladstones, James Nicolson*: for the Mid quarter, *Masters James Melvine, Thomas Buchanan, Alexander Lindsey and William Sterline*: for the South quarter, *Mrs John Knox, George Ramsey, James Carmichael and John Clappertoun*: for the West, *Mrs John Howison, John Porterfield, Andrew Knox and Robert Wilkie.* Of which number *Mr James Melvine, Mr James Nicolson, Mr James Carmichael and Mr Andrew Knox* are appointed for the first Moneth, beginning the first day of November, and their charges to be borne by the quarters out of which they are chosen.

Item, the foresaid Commissioners, with advice of the Presbyterie of *Edinburgh*, finding the danger grow by a farther dealing of the adversarie, shall appoint a General Assemblie of the Ministrie to be conveyened from all parts of the Countrey, with a good number of the best affected Noblemen, Barones, and Commissioners of Burghes, that by common advice the best expedient may be found out, and followed, for the surety of Religion and the common peace.

The same day the 20. of *October*, the Commissioners foresaid ordained *Alexander Setoun Lord Urquhart*, President of the Session, to be summoned to compear before the Synod of *Lothian* the second of *November*, for dealing in favours of the Earle of *Huntlie*. One of the ordinarie Clerks of the Session compeared before the Commissioners the second of November, and shewed, that two of the Lords and two Advocats desired conference with some of their number. The Brethren appointed to conferre with them reported, that the Lords complained for summoning of the President, and used many arguments to supersede the calling of the summons. This was at last granted, if he would present himself before the Synod on his own accord, which he did; but was remitted by the Synod to the Commissioners, and the day following purged himself before them of any dealing with the Earle of *Huntlie*.

The ordinaire Council of the Ministrie conveyened, as was appointed in the Gallerie of the Ministers manse, upon the 5 of *November*. Yet I finde, notwithstanding of the letter above written, that these were the names of the Counsellors for the first Moneth, *Mr James Nicolson* for the North quarter; *Mr James Melvine* for the Middle; *Mr John Howison* and *Mr Andrew Knox* for the West; *Mr Adam Johnstoun* and *Mr George Ramsey* for the South: and that the Ministers of the Presbyterie of *Edinburgh* were appointed alwayes to be ordinarie, *Mrs Robert Bruce, Robert Pont, David Lindsey, James Balfour, Patrick Galloway, Walter Balcanquel*: they directed *Mrs David Lindsey, Patrick Galloway, James Nicolson & James Melvine* to conferre with the Lords of Council. After conference, they report to the Brethren as followeth: That the President, the Secretar, the Advocat and the Laird of

The President
summoned
before the
Synod.

The answer of the
Council
and the
Kirk to the
Kings pro-
positions.

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Collutbie, had proponed two things to them in his *Maj* name. 1. That his *Maj.* offered, that neither the excommunicat Earles, nor any other in such Estate, should receive any favour at his hands, before they satisfied the Kirk. Next, that his *Maj.* craved of the Kirk their judgement, whether the said persons, having satisfied the Kirk, may receive favour at his hands. The Councel and the Kirk answered to the first, that they accept the offer, and according to the same require, that the said Earles be put out of the Countrey, and being put out of the Countrey make their offers to the Kirk for satisfaction, conform to his *Maj.* promises, made at *Callender* to certain of the Brethren. To the second, that these persons, being such as the Law of God, and greatest Assise of the Realme in Parliament, hath adjudged to death, his *Maj.* may not lawfully shew them any favour, contrare to Gods Word and sentence of the said Parliament; and that of conscience and dutie towards his *Maj.* safety, and well of this Kirk and Countrey, they could give no other advice. If his *Maj.* and Councel will take upon them to do other wayes, let them answer to God & the Countrey for it. These answers, being reported by the said Lords of Councel, were thought very hard; and the second Proposition was altered by them, and proponed in this form, that his *Maj.* would understand, whether if the said Earles, repenting truely and offering to satisfy the Kirk, may have the bosom of the Kirk patent to them, and be received in the same. The Brethren answered, they might; alwayes without prejudice of the Magistrats part and dutie.

The
grieves of
the Kirk.

Upon the ninth of *November*, the four Brethren above-named were directed to the King, to shew, that there was a most dangerous jealousie entred betwixt Him and the Kirk, which could not but produce great inconveniences, unlesse it were removed: and therefore to desire his *Ma.* to declare plainly, what offendeth him in the Ministrie, either in general, or particular, that He may be satisfied: and on the other part, to open up the grieves following, which move all the Godly to suspect his meaning and intentions. 1. The favour, which the forfaulted Earles obtained in the conventions at *Falkland* and *Dumfermline*. 2. That the *Ladie Huntlie* was so well liked of by his *Maj.* and the *Queen*, that she was to be sent for, to be present at the Baptisme of the Princess. 3. That the said Princess was to be committed to the custodie of the *Ladie Levingstoun*, a profest Papist, and at the point of excommunication. 4. That the Kings common talk was invectives against Ministers and their Doctrine.

The
Kings an-
swers and
their re-
plies.

Upon the eleventh of *November*, the Brethren reported the Kings answer, that there could be no agreement betwixt Him and the Ministers, till the marches of their jurisdictions were rid; and that in these points especially he thought he had intereffs. 1. In preaching of the Word they should not speak of his affairs of Estate and Councel; but he should know what the Ministers should speak, before He come out of his chamber. 2. The General Assemblie should not be convened, but by his authoritie and special command. 3. Nothing ought to be holden firm and stable, that is done in that Assemblie, before he ratifie and allow the same by Himself, or his Commissioners; even as it is, touching Acts and Statutes in his Parliament. 4. That Synods, Presbyteries, particular Sessions meddle upon no causes, whereupon his law striketh; but fornication and such like flanders. As to the grieves, he has granted nothing to the excommunicat *Earles*, but that which the Councel and

Estates

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Estates had thought needful, for the peace of the Realme; and alwayes under condition, that they should first satisfie the Kirk. That the *Ladie Huntlie* was a good discret Ladie, worthie of his affection. Papists may be honest folks, and good friends to him: his Mother was a *Catholick*, and yet an honest woman. That the *Ladie Levingstoun* should satisfie the Kirk, or then not come neer his Daughter: but he could not refuse to concredite her to the *Lord Levingstoun*, a man known to be of good Religion. That the Ministers themselves give him occasion to speak of them, never ceasing in their Sermons to provoke him, and to disgrace him before the people. They replied, the free Preaching of the Word, and rebuke of sinne, in whatsoever person without respect, & Discipline joined therewith, were established after many conferences, upon evident grounds of the word, by his *Maj.* Lawes, and Acts of Parliament, and many years practice and use past thereupon. That his *Maj.* should not have permitted any benefite to have been granted to these Enemies, till they had been out of the Countrey: and that all these tokens of favour shewed to Papists, moved all good men to suspect him. That if the *Ladie Huntlie* came to Baptism, it would confirm all good men in their evil opinion of him; and the Pulpits could not but cry out against it. That the committing of the Princels to the *Lord Levingstoun's* custodie, his Ladie being a profest Papist, would be esteemed a special pledge of his *Maj.* affection to Papists. That the Ministers had spoken alwayes reverently of his *Maj.* but could not spare the enemies, nor any favourable dealing used towards them.

After the report of the Kings answer, the Brethren of the Council perceived clearly, that the overthrow of the Libertie of Christs Kingdom was intended; and were glade that the King had uttered his meaning so plainly. They thought meet, that every one of the Brethren should studie the heads of Discipline; that Mr *James Carmichel* and Mr *Charles Lumisdén* should seek out all the Acts of Council and Parliaments, past in favours of the Liberties and Discipline of the Kirk. That the Presbyteries should be advertised of this, and Brethren exhorted to diligence in their Studies thereanent; and receive his articles, but not enter in question or reasoning thereupon, till the Brethren of the Council were advised, fearing any wayes to call in doubt the undoubted Freedom, and Discipline of Christs Kirk. This same day they were surely informed, that Mr *David Black* was to be charged to compear before the King and Council, for some speeches uttered by him, in some of his Sermons in the Moneth of *October* last by past.

Upon the twelfth of *November*, they ordained, that summons be libelled against the *Ladie Huntlie* by Mr *Robert Pont*, and directed with diligence, to stay her coming to Court, if it were possible. That a letter be sent to the Presbyterie of *Stirline*, to proceed to the sentence of Excommunication against the *Ladie Levingstoun*. They resolve that Mr *David Black* shall decline the Judicatorie of the King and Council; and that all the Brethren be exhorted to seek out all the warrants of Scripture, or positive Lawes, to prove, that the judgement of the doctrine whatsoever pertaineth to the Pastors of the Kirk, in *prima instantia*.

Upon the 12. of *November*, they directed the Brethren abovenamed, to hear his *Maj.* questions and doubts, which, he said, he had to propose, touching the bounding of the office and calling of the Ministrie;

The resolution of of the Brethren upon the Kings hard answers.

The Kings answers to the Articles of the Kirk.

but

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but no wayes to reason thereupon, but only to report: and because his *Maj.* is desired to be advertised in privat of any thing the Kirk misliketh, before he were found fault with in Pulpit; to admonish, that if the *Ladie Huntlie* were suffered to repair to the Baptism, it could not be comported with, nor unspoken against, as a thing most offensive to the Godly: and in like manner, the committing of the Princess to the *Ladie Livingstoun*. And as for the summoning of Mr *David Black*, that it was hardly taken, that the Ministers of Gods Word should be charged, & troubled upon calumnies, and trifling relations, when in the mean time the enemies of the truth were favoured, and got oversight. They report upon the 15. day, they had gotten no good answer; because the King was so highly offended at Mr *Patrick Galloway* for saying to him in conference, that the Kirk got but fair words and promises, and the enemies got the deed and effect. Yet they were directed again, all except Mr *Patrick*, to deal earnestly with the King in this point, that the common Enemy should be taken order with, before there were any controversie intended with the Kirk, or any of the Brethren put at; other wayes all the world would say, that there was nothing intended, but to benefite the Enemy, and to trouble the Kirk. That they crave of his *Maj.* 1. That the *Ladie Huntlie* be debarred from access to Court. 2. That the Cautioners of the sometime *Earles of Huntlie and Errol* be put at, & the summes be evicted for the Kings use and affairs. 3. That their livings be intromitted with, and taken up presently by his *Maj.* Officers and Chamberlains, and applied to his *Maj.* furniture in expedition against them. 4. That their Lands be disposed, and dealt to such as would shew themselves most forward, and most feckful in pursuing of them. They report upon the 16. day a direct affirmative concerning the Cautioners, his purpose to purge the Land of Papists and Papistrie; that the *Earles* should either performe the things enjoined, the first whereof was to satisfie the Kirk, or else he should invade them with fire and sword: if they offered to satisfie, they should be in sure ward, and under all other sure bands that could be devised, till they have satisfied. The *Ladie Huntlie* shall subscribe, or then shall finde no favour, nor be suffered to abide neer Court: her Sonne should be brought over, and put in the companie of a Godly and zealous man, to be brought up in the true Religion. As for Mr *David Black*, that they thought not much of that matter; only let him compear, and if he be innocent, purge himself in judgement, and he shall satisfie the English Ambassadour. But take head, *Sir*, said he, that you decline not my Judicatorie; for if you so do, it will be worse, &c.

Mr David
Black
counselled
to decline
the Coun-
cel.

Upon the 17. day of *November* the Brethren resolved, that forasmuch as they perceive the dealing of Mr *David Black* to tend as a preparative, against the free preaching of the word, and to bring the doctrine of all Ministers under the censure of controlement of his *Maj.* and Council; and remembring that notwithstanding sundrie good Brethren had declined their judgement before, but it was denied, or forgotten, because it was done verbally, thought it good, that *Master David* give in a Declinature in writ; and for testifying the consent and approbation of the whole Brethren, as in a common cause, that every one put to his hand, and subscribe the same with *Master David*.

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The declinature of the King and Councel's Judicature, in matters spiritual, namely in preaching of the word, given in to the same at Halyrudhouse by Mr David Black minister at St Andrews, in his own name, and in name of his whole Brethren of the ministrie, the 18. day of November 1596.

Unto your *Majestie*, and Lords of secret Councel, with all reverence in Christ humbly meaneth *J. Mr David Black* Minister of the Evangel at *St Andrews*, that where I am charged by your *Hightness* letters, to compear and answer for certain unreverent, unfamous and undecent speeches, alledged uttered by me in some of my Sermons made in publick, in the Kirk of *St Andrews*, in the moneth of *October* last by past 1596. as at more length is contained in the said letters: wherein albeit the conscience of my innocencie upholdeth me sufficiently, against whatsomever calumnies of men; and that I am ready by the assistance of the grace of my God, to give a confession, and stand to the defence of every point of the truth of my God, uttered by me in the said Sermons, either in opening up of his Word, or application thereof, before your *Maj.* or Councel, or whatsomever person or persons, that upon any lawful cause, will crave an account of that hope which is in me, in whatsomever place or manner, so far as shall be requisite for clearing and maintenance of the truth, and of my Ministrie, and may be done without the prejudice of that Libertie, which the Lord *Jesus* hath given and established in the Spiritual Office-bearers of his Kingdom. Yet seing I am at this time brought to stand before his *Maj.* and Council, as a judge set to cognosce, and decern upon my Doctrine, where through my answering to the said pretended accusation might import, with the manifest prejudice of the Liberties of the Kirk, an acknowledgement of your *Maj.* jurisdiction, in matters that are meer spiritual, which might move your *Maj.* to attempt farther in the spiritual government of the House of God, to the provocation of his hote displeasure against your *Maj.* and in end either a plain subverting of the Spiritual judicature, or at least a confounding thereof with the Civil, if at any time profane and ambitious Magistrats might by such dangerous beginnings finde the hedge broken down to make a violent irruption upon the Lords Inheritance, which the Lord forbid. Therefore I am constrained, in all humilitie and submission of mind, to use a Declinature of this judgement, at least in *prima instantia*; which I beseech your *Maj.* to consider earnestly, and accept of, according to justice, for the reasons following.

The Lord *Jesus*, the God of order, and not of confusion, as appeareth evidently in all the Kirks of the Saints, of whom only I have the grace of my calling, as his Ambassadour, albeit most unworthie of that honour to bear his Name among his Saints, hath given me his word, and no law or tradition of man, as the only instructions, whereby I should rule the whole actions of my calling, in Preaching of the Word, Administration of the Seales thereof, and Exercise of Discipline: and in the discharge of this Commission I cannot fall in reverence of any civil law of man, but in so far as I shall be found to have passed the compasse of my instructions, which cannot be judged, according to the order established by that God of order, but by the Prophets, whose lips he hath appointed to be the keepers of his heavenly wisdom, and to whom he has sub-

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jected the Spirits of the Prophets. And now seing it is the preaching of the Word, whereupon I am accused, which is a principal point of my calling, of necessitie the Prophets must first declare, whether I have kepted the bounds of my directions, before I come to be judged of your *Maj.* Lawes, for my offence.

2.

Because the Libertie of the Kirk, and whole Discipline thereof, according as the same has been, and is presently, exercised within your *Maj.* Realme, has been confirmed by diverse Acts of Parliament, and approved by the Confession of Faith, by the Subscription and Oath of your *Maj.* and *Maj.* Estates, and whole bodie of the Countrey, and peaceable enjoyed by the Officebearers of the Kirk in all points; and namely in the foresaid point, touching the judgement of the preaching of the word *in prima instantia*, as the practice of diverse late examples evidently will shew. Therefore the question touching my preaching ought first, according to the grounds and practice foresaid, be judged by the Ecclesiastical Senate, as the competent judge thereof, in the first instance.

In respect whereof, and for diverse other weightie causes and considerations, namely of eschewing the great and dangerous inconveniences, that might fall both to Religion and to your *Maj.* own Estate, by the appearance of distraction of your *Maj.* affection from the Ministrie, and good Cause of God in their hands, to the griefe of your *Maj.* best Subjects, and to the encouragment of the Adversaries, both of your *Maj.* Estate, and Religion. Therefore I most humble beseech your *Maj.* and in name of my Brethren the Commissioners of the General Assemblie, & the remanent of the Brethren of the Ministrie, who, for testifying their earnest affection and allowance of the premisses, have subscribed these presents with their hands, that your *Maj.* in this action, would manifest your earnest care to maintain that libertie, which the Kirk of Christ within the Countrey, for the comfort of the Saints, hath with so great blessing enjoyed, since the Gospel was first revealed in this Land, where through the Godly may be comforted, the Adversaries frustrated of their expectation, and your *Maj.* truly honoured in honouring the Lord *Jesus*.

Some Brethren directed to the Queen.

Upon the 19. of November, Mrs Robert Bruce, Andrew Melvaine, John Davidson were directed by the Councel of the Brethren, to deal with the Queen, first touching her Religion. Next, for dealing for the enemies of the truth, namely for *Huntlie*: for want of Religious exercise, and vertuous occupation among her Maids: and to move her to hear now and then instruction of Godly and discreet Men. They went down, but were deferred to another time; because she was then at dancing.

The Presbyteries desired to subscribe the declinature.

Upon the 20. of November, they resolved to send this letter following to the Presbyteries, together with the Declinature above written, to be subscribed by all their Members.

If we suffer with Him, we shall reigne with Him.

Brethren, after heartie remembrance of our dutie toward God & our King *Christ Jesus*. Please you to wit, the Commissioners of the General Assembly, & ordinary Convention of the Brethren at *Edinburgh*, perceiving the drift of this charging of Mr David Black before his *Maj.* and Councel, to tend to the setting down of a preparative, whereby the whole Authoritie of *Christs* Kingdom may be overthrown, by subject-

ing.

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ing to the judgement of the civil Magistrat, the censuring of the Preaching of the Word, and setting of injunctions upon the same, and upon the whole Discipline of the Kirk, thought it most needfull and pertinent to our dutie, to counsel the said *Mr David* to use a Declinature of the judgement of the King and Council, and that in writ: Because that notwithstanding the Brethren, which have been convened before his *Maj.* and Council for their Doctrine, in time past, have faithfully discharged their dutie by a Declinature; yet because it was but verbal, forgotten and denied, and the exemple of judging of their Doctrine alledged for a practice; and for testifying our consent and approbation of the same, we have every one of us adjoined our subscriptions with the said *Mr David* unto the said Declinature. Now ye are not ignorant, Brethren, how unitie strengtheneth the cause, and maketh us able to stand whole and unbroken: we have therefore thought meet to send a copie of the said Declinature to you, Requiring every one of the Pastors within your Presbyterie, as we doubt not of the agreement of your hearts with us, in this most honourable Cause of Christ, and standing to the Libertie of his Spiritual Kingdom; as not only faithful Subjects, but also honourable Office-bearers thereof, so to set your hand writs and subscriptions thereunto, for testifying your approbation thereof with us, and to remit the same subscribed to us, before the first day of the next Moneth; or with all possible diligence, and that with one of your most wise and faithful Brethren, who may consult with and assist us, in these so weightie matters: As likewise we beseech every one of you to studie this question diligently, & the whole points of the Discipline, by searching the Scriptures and writings of the learned: for certainly Satan is to make the first onset upon this hedge of the Lords Vineyard, that breaking down the same, he may thereafter waste and wrack the plants thereof at his pleasure. The Spirit of the Lord Jesus be with you, and make you and us faithful even unto the death, that we may be partakers of the Crown of Life. Amen. From *Edinburgh* the 21. of *November* 1596.

The subscriptions of three or four hundred Ministers were obtained, in very short space, and moe had been obtained, if the Commissioners had continued still at *Edinburgh*. None so diligent in outward appearance to procure subscriptions to the Declinature, as *Mr John Spotswood*, afterward Bishop of *St Andrews*; and yet in the very meane time, as is constantly reported, he informed, or sent to the King, by a Courtier, informations of all the proceedings of the Council of the Brethren, and other Ministers forward in the same cause.

Spotswoods
treacherie.

Upon the twenty two of *November*, it was thought needful by the Council of the Brethren, that those, who were commonly called *Octavians*, should be admonished of their dutie; seing it appeared, that by their instigation the Kirk was thus troubled, or at least did not stay him; that seing they were his *Maj.* ordinarie Council, and that by the fundamental Lawes of the Countrey, he was to be subject to their counsel, whatever inconveniences ensued, they should bear the blame; and to admonish them of their negligence in hearing of the word, &c. The Brethren, appointed to admonish them, reported the day following, that they had purged themselves by many words, of all favouring and dealing for the Popish Lords, or counselling his *Maj.* to put at the Ministrie, or to controvert with the Kirk in whatsoever matter: they would not meddle with any matters the King had to do with the Kirk: they were brought on with-

The Octa-
vians
purge
them-
selves.

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The Commissioners of the General Assemblie their resolution.

The King urgeth them to passe from the declinature.

The declinature explained.

out their advice, and so should they end; let his *Maj.* and wife Nobilitie see thereunto.

Upon the 24. of *November*, the Moderator Mr *James Nicolson* reported, that the King had called for him, was highly incensed for sending the Declinature through the Presbyteries; and therefore craved to see the Commission of the General Assemblie, and a copie of the letter sent to the Presbyteries: which was granted, and some Brethren were sent with him to accompanie him. Returning, he reported, that the letter was very evil thought of, as seditious and treasonable; and that he feared the Commissioners should be charged to depart off the Town. Therefore the Commissioners of the General Assemblie, being for the most part present, with advice of the Council of the Brethren, concluded, that the General Assembly be holden at *Edinburgh* the second day of *January*; and that, seing the Commissioners of the General Assemblie were conveyened by the warrant of *Christ* and his Kirk, to see that it suffered no detriment, in so needful and dangerous a time; they should obey God rather then man; and, notwithstanding of any charge, remain at his work, so long as it should be found expedient for the well of the Kirk so to do.

It was thought good, that Mrs *David Lindsey*, *James Nicolson*, *Robert Rollock* and *James Melvine* should be sent to the King, to shew him what inconveniences might ensue, namely to his own Estate and Person, by entring in hard dealing with the Kirk, and discharging of the Commissioners of the General Assemblie: that it therefore would please his *Maj.* to leave off all this pursute of Mr *David Black*, and all controversies arising thereby, till order were taken with the common Enemies the Papists, and a General Assembly be convocat for deciding of all controversies, and satisfying of his *Maj.* grieves and questions; and that they move his *Maj.* to think more earnestly upon the danger, wherein the whole Estate of the Realme standeth by Papists, banding themselves together, and associating to themselves diverse Clannes in preparing armour and horses, &c. They report his answer the next day, to wit, that he was sorie, that matters should have so fallen out betwixt Him and the Commissioners, &c. Yet if the Commissioners would passe from the Declinature, or at least make a declaration, that it was not general but particular, and used in that cause of Mr *David Black*, being a cause of slander, pertaining rightly to the Kirk, he would passe from the summons, and all pursute of the said Mr *David*. Sundrie formes being devised, in end the Brethren agree upon this form following.

The Commissioners of the General Assemblie declare, that their intention in the Declinature, used by their advice, of his *Maj.* and Council, used by Mr *David Black*, was no wayes to diminish, hurt nor prejudice his *Maj.* authoritie, by exeeming from the same judicatorie any matter or cause civil or criminal, committed by whatsoever persons, that justly pertaineth thereto, not contrare to the Word of God; but only in matters and causes spiritual, of persons bearing a spiritual function in the Kirk, and Spiritual Kingdom of *Jesus Christ*, in discharging the points of their office and dutie spiritual, as namely preaching of the Word, ministracion of the Sacraments, and exercise of Christian Discipline: the Lawes and Instructions whereof, as they have received from *Christ*, only set down in the word; and from no King nor Civil Magistrat earthly,

so ought they to be censured and judged by the same Word allanerly, and such as have their lawful calling in the interpretation, and opening up of the same.

Howbeit this declarature was agreed upon, the Brethren, who conferred with the King, refused to present it; because the King would not be content with it. In end the Commissioners condescended to make this offer to the King, that if he would passe from the summons of Mr David Black, and set down an Act of reference of all pursute of the said Mr David, & of ceasing from charging of Ministers for their Preaching, till a lawfull General Assemblie, they would on the other part take up their Declinature, and cease to use the same, till the said Assemblie. The Brethren, directed to the King, reported upon the 27. day, how they had spent much time in reasoning with the King, & Council, but could not agree, unlesse they would condescend to passe from the Declinature, and cause Mr David Black answer, and acknowledge the judicatorie, which they would no wayes grant.

The same day the 27. of November afternoon, Mr David Black was again ummoned by a new libelled summons, with open proclamation and sound of trumpet at the market Crosse, & with all there was proclaimed a Charge, that none take upon them to assemble in any sort, at the desire of Ministers, Presbyteries, or other Ecclesiastical Judgements, under whatsoever colour or pretence of assisting them in their defence, being accused of any cause, crime or offence; or in their repairing to whatsoever judgement seat, or otherwayes, without the Kings special licence, & proclamation made to that effect, under the pains contained in his Lawes, and Acts of Parliament made thereanent.

The same day were also given forth Letters, upon an Act of Secret Council, charging the Commissioners of the General Assemblie, namely the Persons underwritten, Mrs Andrew Melvine, James Melvine, John Davidson, Nicol Dalgleish, James Nicolson, James Carmichel and John Clappertoun, to depart out of the Town, within twenty four hours after the charge, to their Flocks and Congregations, and to keep no such unlawful Conventions, Convocations, or Assemblies in any place, as they have done of late, without his Maj. special licence obtained to that effect, under the pain of rebellion, and putting of them to the horne. In the narrative it is alledged, that certain Persons of the Ministrie have remained this long time bygone in *Edinburgh*, unlawfully occupied in devising and setting down Forms, Rules and Plots, altogether against the Lawes of God and man, prejudicial to the Kings royal Person and Authoritie, usurping power over their Brethren, directing them to subscribe a Declinature, formed, and already subscribed, by themselves, against his Judgement seat and his Lawes, and craving their Assistance in their defence, as though they were not his Subjects, colouring their doings with a general Commission, alledged given by the last General Assemblie, albeit there be no such Commission; at least the same is unorderly past, without consent of his Commissioners there present for the time; and which granteth to them power only to consult, treat and report, and no wayes to exerce any acts of jurisdiction.

Immediately after the Proclamation, the Commissioners conveyed, and laid the letters open before the Lord; and finding that the General Assembly was made, as it were, a judicatorie inferiour, and subaltern to the Secret Council and Session, by discharging of the Acts of the Assemblie,

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The Commissioners offer to the King.

The lieges discharged to conven with the Ministers.

The Commissioners of the General Assembly charged to depart.

The Commissioners justify their proceedings.

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and Commissioners of the same, &c. Therefore ordained the Ministers of *Edinburgh*, and such others as were to occupie the Pulpits, to deal mightily with the power of the Word against the said Charge, and to that effect to use arguments, flowing from the grounds following, and other the like. That the Spiritual Jurisdiction floweth immediately from *Christ*, neither can any wayes the same proceed mediately from a *King*, or Civil Magistrat. That the power of conveyeing to the exercise thereof is from *Christ*, in like manner; and no Christian Prince will impede, but fortifie, defend and maintain the same. That the Acts and Ordinances thereof cannot, nor ought not to be controlled, but by the Word of God, and that in a lawful Assemblie, according as they are made. That the Christian Prince, or his Commissioners have no interests in judging in the Assemblies, but as bearing the office and name of Elders, directed in commission from the inferiour Assemblies, or particular Congregations; and therefore as touching the exposition of the word, are inferiour in gifts and calling to the Doctors and Pastors of the Kirk: otherwise they are present *non tanquam iudices* and *omnium*, but *tanquam custodes & nutricij*: that as *Christ* and his Disciples commanded to give unto *Cesar* that which is *Cesar's*; so they never usurped the things that belonged to *Cesar*. But so it is that *Christ* and his Apostles conveyened themselves and the people, and discharged all the points of their spiritual calling, without any warrant or leave asked, or given by the Magistrat. The Council of *Jerusalem* *Acts 15*, convocat by the Apostles, treated not only of Doctrine, but also of things indifferent, without licence or authoritie from any Civil Prince or Magistrat. Finallie, as the Pastors of the Kirk are the Messengers or Ambassadors of God, and have their commissions and instructions from *Christ*, and not from any King or Prince earthly; so are they to be answerable to Him, who gave the Commission allanerly, and not to be controlled nor discharged by any other. Because it was objected, that they did wrong in speaking of the King in his absence; beside other just reasons why they behoved so to do, they should have in readines the example of *Ezekiel* Chap. 21. who rebuked *Zedekiah* the King most sharply, being absent from him in *Chaldea*, more then five hundreth miles, calling him polluted, or profane and wicked.

The Commissioners resolve to send the Articles following.

Upon the 29. of *November*; the day before Mr *David Black's* diet, the Commissioners, understanding the King to be incensed with the Doctrine, which had sounded mightily from all the Pulpits the Sabbath past, and that he was supposed to keep Mr *David Black's* diet, accompanied with his Nobilitie and Councillers in pomp and solemnitie within the Talbooth, and there in a frequent and honourable Council to finde himself Judge, and to establish the same by an Act, They resolved to deliver their minde, under the title of Articles; (because their Commission bare expressly to give in Articles to his Maj. and Council, and to receive answers to the same) and to present the same by some of their Brethren, and to crave an answer, before the King and Council proceeded any further against Mr *David*.

Arti-

*Articles humbly proponed to his Maj. and secret Councel, by
the Commissioners of the General Assemblie, in name of the
said Assemblie 30. Novembris 1596.*

Please your *Maj.* and Lordships of your *Maj.* Council, forasmuch as the General Assemblie of the Kirk, holden at *Edinburgh* in the Moneth of March last by past, considering that the iniquitie of the Land in all Estates, was alreadie come to that fulness, that could not more suffer any longer delay of the judgements, which had been so often threatned in vaine against the contempt of this age; and perceiving the rage of Satan so mightily kindling up the malice of all his instruments, as well within the Countrey, as without, that even then it appeared, the Lord was preparing a scourge of his judgement, wherewith he would strive undoubtedly, before it were long. Therefore they gave their Commission to certain chosen Brethren, who, upon occasion of the approaching of the angrie countenance of God, might assemble themselves, and give their attendance upon the Lords working; that by their fidelitie, every one in his own calling might be in convenient time stirred up, and turned unfeignedly to God, for preventing of his wrath. According to the which being here conveened, and finding the forfaulted excommunicat *Earles* to be returned, and remaining within the Countrey, and to strengthen themselves daily by the impunitie and oversight, where through they became able, both to their concurrence to the forreignemie, in case of forreign assault, and likewise to attempt by themselves and their confederats within the Countrey, whatsoever purpose might be most prejudicial to the Cause of God, and your *Maj.* Estate: which is to us an evident argument, that the Lords wrath is at hand, and more neer then is apprehended by your *Maj.*

We therefore cannot but give your *Maj.* faithful Advertisement, beseeching your *Maj.* to give heed thereunto, without all preoccupied minde and affection, as we by the grace of God shall in Sinceritie, Love and Humilitie propone the same to your *Majestie*.

And because that we, our Presbyteries, and other ecclesiastical Judgements are grievously traduced at Tables, Councel, and market Crosses in publick Proclamations, by giving us out to be unlawfully occupied in devising, and setting down of Formes, Rules and Plats, altogether against the Lawes of God and Man, prejudicial to your *Maj.* Authoritie and Person; to presume proudly, to make Convocations and Tumults, to intend the breach of his *Maj.* peace, by raising of trouble, sedition, insurrection, confusion, disorder and other inconveniences in your *Maj.* Countrey, seeking only to colour these doings with frivolous pretences and commissions; as though we were not your *Maj.* Subjects, or that your *Maj.* had not power nor authoritie to command us; and to be Usurpers of authoritie over our Brethren; to be carelesse of our flocks, and leavers of them comfortlesse. Which crimes if they might be justly laid to our charge, we were of all your *Maj.* Subjects most unworthie to live, let be to have the honour to bear the message of Reconciliation to the World.

And as they are so calumniously published against us, they can proceed of no other fountain, but from the dreg of Antichristianisme; and can tend to no other end, but to the disgrace of our ho'y Ministrie:

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that thereafter the truth it self might likewise fall in her credite, and then a plain way might be laid open to Papistrie, or Atheisme. Which we beseech your *Maj.* to consider, and take heed unto wisely in time, before it come to a canker that cannot be cured.

For this cause we are compelled, for clearing of our Ministrie, and purging of us from all suspicion of such unnatural affection and offices towards your *Maj.* and the State of your *Maj.* Countrey, to call that great Judge, who searcheth the hearts, and shall give recompence to everyone, conform to the secret thought thereof, to be judge betwixt us and the Authors of all these malicious calumnies; before whose tribunal we protest, that we alwayes bare, now bear, and shall bear God willing to our lifes end, as loyal Affection to your *Maj.* as any of your *Maj.* best Subjects within your *Maj.* Realme, of whatsoever degree or rank, and according to our power and calling shall be, by the grace of God, as readie to procure and maintain your *Maj.* welfare, peace, and advancement, as any of the best Affectioned whatsoever. Like as we call your *Maj.* own Heart to record, whether if ye have not found it so in effect in your *Maj.* Straits, and if your *Maj.* be not perswaded to finde the like of us all, if it fall out that your *Maj.* have occasion in these difficulties to have the trial of the affection of your Subjects again. And whatsoever we have uttered, either in our Doctrine, or in other Actions toward your *Maj.* it hath proceeded of a zealous affection toward your *Maj.* welfare, above all things, next to the honour of God, as we protest, choosing rather by the libertie of our admonitions to hazard our selves, then by our silence to suffer your *Maj.* to draw on the guiltiness of any sinne, that might involve your *Maj.* in the wrath and judgement of God.

In respect whereof we most humbly beseech your *Maj.* so to esteem of us, and our proceedings, as tending alwayes, in great sinceritie of our hearts, to the establishing of Religion, the suretie of your *Maj.* Estate and Crown; which we acknowledge to be unseparably conjoined therewith, and to the common peace and welfare of the whole Countrey, as the Lord knowes. And that your *Maj.* would earnestly consider, what may be the intention and end of such, as have so subtiltie and covertly drawn your *Maj.* to exagitate these thornie questions, and unnecessarie at such a time, wherein every small appearance of distraction of your *Maj.* and your *Maj.* course, from the Ministrie of the Gospel and course thereof, would give a deep wound in the heart of your *Maj.* best Subjects, and great encouragement to the Adversaries, whereby they may, and will doubtlesse, be bold to attempt to the highest, in this so great advantage, which is presented to them upon this occasion.

For we perswade our selves, that howsoever the first motion of this action might have proceeded, upon a purpose of your *Maj.* to have the limits of the Spiritual Jurisdiction distinguished from the Civil, yet the same is intertained and blown up by the favourers of these that are, and shall prove in the end, the greatest enemies, that either your *Maj.* or the Cause of God, can have in this Countrey; thinking thereby to engender such a misliking betwixt your *Maj.* and the Ministrie, as shall by time take away all farther trust, and in end work a division irreconciliable, where through your *Maj.* might be brought to think your greatest friends to be your enemies, and your greatest enemies to be your friends; which the Lord forbid for his mercies sake.

As likewise thereby to make your *Maj.* affection towards the forfaulted *Earles* manifest to the whole World, as if this heat in your *Maj.* part against the Ministrie, had proceeded upon occasion of the Kirk, insisting against the said *Earles*: which out of all question is thought already, and will be thought more and more questionless, if your *Maj.* insist in this forme.

And therefore we most humbly beseech your *Maj.* seeing there is no necessity at this time, nor occasion offered upon our part, to insist in the decision of intricate and unprofitable questions, and proceses, to the diverting of your *Maj.* intentions and courses, from against the Adversaries, upon the Ministrie; albeit that by the subtil craft of their favourers, and Adversaries of your *Maj.* quietness, some absurd, and almost impossible suppositions (which the Lord forbid should enter in the hearts of Christians, let be in the hearts of the Lords Messengers) be drawn in, and urged importunately at this time, as if the suretie and privilege of your *Maj.* Crown, and Authoritie Royal, depended upon the present decision thereof.

That therefore it please your *Maj.* to remit the decision thereof to our lawful Assembly, that might determine thereupon, according to the Word of God; and not to encroach upon the limits of *Jesus Christ*, under whatsoever pretence; and to bend your *Maj.* action, according to the present necessity, against the common enemy of your *Maj.* Estate, and Estate of Religion. For this we protest in the sight of God, according to the light that He hath given in his truth, that the special cause of the blessing that remaineth, and hath remained upon your *Maj.* and your Majesties Countrey since your Coronation, hath been and is the libertie, which the Gospel hath had within your Realme: and if your *Maj.* under whatsoever colour abridge the same directly, or indirectly, the wrath of the Lord shall be kindled against your *Maj.* and the Kingdom; which we in the name of the Lord *Jesus* forwarne you of, that your *Maj.* and Councils blood lye not upon us.

Charging likewise your *LL.* of his *Maj.* Council and Nobilitie, in the Name of the Lord *Jesus*, to give his *Maj.* free and faithful Counsel; and as hitherto (to the honour of God, and your *LL.* just praise) ye have kepted your selves, both in counselling and action, free from all prejudice of the Libertie of the Gospel, by laying injunctions upon the Ministrie thereof; so your *Lordships* would at this time wisely foresee, that ye be not drawn under the guiltiness of so great a sinne against the Throne of Christ, by the craft of such as have been subtilly seeking the thraldom of the Gospel, and now would lay the guiltiness of their malicious devices upon your Lordships, as scugs of their iniquitie. But that by your advice and credite at his *Maj.* hand, all controversies moved, or to be moved hereafter, be remitted to a free and lawful Assemblie, that the same may be gravely reasoned, and concluded, with the evidence of the Word of God, as becometh in the matter of so great weight, importing the brangling of a Religion established, wherein we assure our selves your *LL.* shall do acceptable service to God, and profitable to his *Maj.* and whole Countrey.

The same day it was also thought expedient, that seeing a new Libel was intended against Mr *David Black*, and by his occasion against the Libertie of the Gospel, there should be a new Declinature, fortified with strong

The Commissioners resolve upon a second Declinature

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reasons, penned and used by Mr *David*, in his own name, and in name of the whole Ministrie of *Scotland*, who for the best part (even so many as to whose hands the former Declinature had come) had subscribed the same, and sent it back again to the Commissioners with all diligence and expedition, by the hand of one of their most faithful and wise Brethren, according to the desire of the letter, sent to the Presbyteries throughout the Realme. The tenor followeth.

The second Declinature of the King and Councils judicature, in matters spiritual, namely, anent the Preaching of the Word, given in, the 30. of November, by Mr David Black, in his own name, & in the name of the whole Ministrie of Scotland.

Unto your Maj. and Lords of secret Council, in all dutifull reverence *Christ Jesus*, humbly meaneth I Mr *David Black* Minister of the Evangel, that where I am charged by your Maj: letters againe, as I am informed, on Saturday last afternoon, not personally, nor at my dwelling place, bur at the Market Crosse of the Burgh of *Edinburgh*, by publick and open Proclamation, to compear, and answer for undutifull and calumnious speeches, uttered by me in my publick Sermons, made in *St Andrews*, within these three years last by past, against your Maj: the *Queen*, your dearest Spouse, your Maj. dearest Sister the *Queen of England*, and the lawful power and authoritie of all Princes: as likewise against your Maj. Nobilitie, Council, Judges and Magistrats of this Realme, as at more length is contained in your Maj. said Letters. Wherein albeit the conscience of my innocence upholdeth me sufficiently, against whatsoever calumnies of men, and that I am readie, by the assistance of the grace of my God, to give a confession, and stand to the defence of every part uttered by me in my said Sermons, either in opening up of the Text, or application thereof, before your Maj. and Council, or whatsoever person, or persons, that upon any lawful cause will crave an account of that hope, which is in me, in whatsoever place or manner, so far as shall be required for clearing of the truth, and maintenance of my Ministrie, that may be done without prejudice of the libertie, which the Lord *Jesus* hath given to, and your Maj. has established in the spiritual Officebearers of this Kingdom. Yet seeing I am this day, as I was this day twelve dayes, brought to stand before your Maj. Nobilitie & Council, as a judge to cognosce and decree upon my Sermons, and Preaching of the Word of God; which, as it is spiritual in its self, and spiritually to be reached, preached and applied; so it should not, nor cannot be lawfully tried and judged by any Civil Authoritie or Judicature whatsoever. And therefore howbeit I would not, nor cannot refuse to be judged by your Maj. Authoritie and Judicature, in all causes and matters whatsoever civil or criminal belonging thereto, and humbly submits my self in person, goods and geir, with all dutifull reverence and obedience, to all lawful power and authoritie, as becomes a dutifull and obedient Subject. Yet nevertheless, seeing I am accused for the discharge of my spiritual Ministrie, in the preaching of the blessed Evangel of *Jesus Christ*, and that before your Maj. who not only is a Christian Prince, and has established by Lawes and Acts of Parliament, the sincere Religion. and Spiritual Jurisdiction of the Kirk, has confessed, sworne & subscribed the same, as well in the Administration of Doctrine, as of Discipline, and has commanded under all highest pain the same to

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be confessed sworne and subscribed by all your faithfull Lieges, and dutiful Subjects, to the good example of all Christian Princes, and example worthe to be remembered by all posteritie: but also is by the grace of God endued with such knowledge and understanding, through controversies in matters of Religion, and exercised from your tender years in hearing, reading & meditating on the holy Scriptures, that no Christian Prince in Christiandome, as I am perswaded, may justly in like measure with your *Maj.* be compared. I dare not for my life, and cannot, unlesse I will wilfully commit the crime of lase Majestie and high Treason against the Lord of Glorie, and Crown of *Christ Jesus*, but adhere to my former Protestation, and Declinature of your *Maj.* Civil Judicatorie, given in by me, the last time, I compeared before your *Maj.* & Councel, and subscribed by the Brethren Commissioners of the General Assembly, by reason the cause was common to all the Ministrie. Which Declinature, humbly then presented by me, I crave with all humilitie and reverence now to be read againe in your honourable audience, weighed and considered againe by your *Maj.* Nobilitie, and Counsellours, no lesse then if it were insert word by word within this present. Whereunto I adde now for farther declaration, that as in all Christian Kingdoms and Commonwealths there should be, so (praised be our merciful God, and blessed be your gracious Majestie) there are two Jurisdictions established by good Lawes, and exerced in this Realme; the one Spiritual, the other Civil; the one respecting the conscience, the other external things; the one directly procuring the obedience of God, his Word and Commandments, the other obedience unto civil Lawes; the one perswading by the Spiritual Word, the other compelling by the Temporal Sword; the one spiritualie procuring the edification of the Kirk, which is the bodie of *Christ Jesus*; the other by intertaining justice, procuring the commoditie, peace and quietnesse of the Commonwealth; which, having ground in the light of nature, proceeds from God, as he is the Creator, and so termed by the Apostle, *humana creatura* 1. *Pet.* 2. varying diversly according to the constitution of men; the other above nature, grounded upon the grate of Redemption, proceeding immediatly from the grace of *Christ Jesus*, only Head, and only King over his Kirk *Ephes.* 1. *Colos.* 2. which is his Spiritual Bodie; from whose Spirit flow all spiritual gifts and graces, by whom are appointed all spiritual offices and functions. 1. *Cor.* 12. by whom are given to the Kirk, and effectually called, all Officebearers and Ministers *Ephes.* 4. to whom he hath concredited the Preaching of the Evangel 1. *Cor.* 9. whom he reproveth and punishes, and of whom he craveth an account of reckoning of the transgressions of the people *Ezek.* 34. *Exod.* 32. whom he has placed in their Spiritual Ministrie over Kings & Kingdoms, to plant and pluck up by the roots, to edifie and demolish *Jer.* 1. to cast down strong holds, and whatsoever lifteth it self up against the knowledge of God 2. *Cor.* 10. Unto these he hath given spiritual armour for that effect, and to take revenge of all stubborn disobedients *ibid.* whom he has commanded not only to preach the Word, and to be instant in season, and out of season 2. *Timo.* 4. but also to cut the Word a-right, giving the dutiful part and portion thereof to every degree and sort of men *Mat.* 24. 2. *Tim.* 2. To admonish, rebuke, convince, exhort and threaten 2. *Tim.* 4. To deliver unto Satan 1. *Cor.* 5. 1. *Tim.* 1. To binde the impenitent in their sinnes, to lock-out and debar from the Kingdom of Heaven *Mat.* 10. *Joh.* 20. To whom he has given the keyes of the

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Kingdom of Heaven *Mat.* 16. and power to assemble themselves to this effect *Mat.* 18. *Acts* 15. *1 Cor.* 14. promising his presence and assistance *Mat.* 28. And to be short, the spiritual Administration, as he has put it in their hands, making them Judges to try and cognoice in spiritual matters *1 Cor.* 14. even so he chargeth them with vehement attestations by the great God, & glorious coming of the Prince of Pastors *1 Pet.* 5. to do these things without respect of persons, with all attention. *1 Timo.* 5.6. *2 Timo.* 4. *1 Pet.* 5. *Tit.* 2.

And therefore, in so far as I am one (howbeit most unworthie) of the spiritual Officebearers, and have discharged my spiritual calling, in some measure of grace and sinceritie, should not, nor cannot be lawfully judged, in spiritual matters, for Preaching and Applying of the Word of God, by any Civil Power, Authoritie or Judge, I being an Ambassadour and Messenger of the Lord *Jesus Malach.* 2. having my message and Commission from the King of Kings, as said is, and all my instructions set down and limited in the Book of God, that cannot be extended, abridged or altered by any mortal wight, King or Emperour *2 Timo.* 3. *Deut.* 4. *Prov.* 30. *Revel.* 22. And seing I am sent to all sorts of men, to lay open their hid sinnes, to preach the Law and Repentance, the Evangel and Forgiveness of sinnes, and to be a savour of life unto life to those that are appointed for life; and a savour of death unto death to those that are appointed for death *2 Cor.* 2. my Commission, the discharge and forme of deliverie whereof, should not, nor cannot be lawfully judged by them, to whom I am sent, they being as both judge and partie, sheep and not Pastors; to be judged by this word, and not to be judges thereof.

For these reasons, and authorities of Scripture, and many others which may be easily brought forth to the same purpose, I humbly crave of your *Maj.* and honourable Council, as is contained in my former Declinature, to be remitted to my competent judgement, that is, the ecclesiastical Senat, with whom, if your *Maj.* please, you may appoint some of your Commissioners to be present, and to see justice done.

Upon the 30. of November, the hour of Mr *David Black's* cause approaching, the Commissioners appointed Mr *Robert Bruce*, Mr *Robert Pont*, Mr *Robert Rollock*, Mr *David Lindsey* and Mr *Patrick Gallo-way*, to present the Articles above written, and to assist Mr *David* in his action. The rest in the mean time were to be exercised in searching their wayes, confessing their sinnes, which had procured such troubles, & pouring out prayers unto God. The Brethren directed, and some of the Council pretending peace and agreement, conferred together, and condescended upon some certain grounds. The Commouners for the Kings part promised to travel with the King again afternoon, and the Brethren were directed to travel with the Commissioners of the General Assemblies. One of the grounds, whereon they had condescended, was, that they should take up their Declinature; and the Council their summons, and presently use a form of protestation. They returned to their Brethren still exercised, as said is. Before they could be able to take a little refreshment, the King and Council were conveyed to proceed against Mr *David*; and proceeded to the interloquutor, before the second Declinature was used, as they alledged: but it was given-in before. The Brethren conveyed again, and prosecuted their exercise, begun before noon, till five at night.

The Brethren exercise in time of Mr Blacks compearance.

The Brethren appointed to assist Mr *David*, and to presente their Articles, returning at five hours at night, reported to the Commissioners and to the rest of the Brethren convened, how the Lord assisted wonderfully, with wisdom, courage and utterance, Mr *David*, and those who assisted him, namely Mr *Robert Bruce*. Notwithstanding of the instant urging of the Brethren, the King would not suffer the Articles to be read in publick: but after he had read them himself with-held them, and said, the Exhortation in the end was seditious and intollerable: and yet as they had learned, all were read after post haste, and rejected. That in conclusion his *Maj.* and Council had found themselves judges competent to all the points of the libel, excepting only that point of the Religion of *England*: so scrupulous were they to meddle with matters Spiritual and Ecclesiastical. The words are these, *by their interloquutor, all in one voice they finde themselves judges competent to the vvhole causes, points, crimes and accusations particularlie above specified (videlicet in the bodie of the libel), as also to all causes criminal or civil concerning the said ministrie, or others vvhatssoever his Highness Subjects: because the said crimes are treasonable and seditious, vvhereunto the Kirk or Presbyterie can be no judges competent.*

The Brethren thought good, that the Doctrine of the Preachers should be directed against the said Interloquutor, as against a strong and mightie hold, set up against the Lord *Jesus*, for the overthrow of the freedom of the Gospel: and praised God for the force, and unitie of the Spirit among themselves. Immediately after their dissolving, the Treasurer and the Provost of *Edinburgh*, directed by the King, craved conference with Mr *Robert Bruce*, Mr *Robert Rollock*, Mr *James Melvill* and Mr *James Nicolson*. They report, that notwithstanding his *Maj.* and Council had found themselves judges, and admitted witnesses; yet his *Maj.* meant no rigour nor extremitie against the said Mr *David*; but rather for intertaining of peace with the Kirk, would pardon him, providing the Brethren would bring him down, and cause him declare the truth in his conscience, concerning all the points libelled. After deliberation they answered, that if it were Mr *David's* own particular, or hurt, or danger, that were in question, or of any other of the Brethren, his *Maj.* offer were to be thankfully accepted: but seeing it was the Libertie of *Christ's* Gospel, that was so grievously wounded in the Discipline thereof, by the Proclamation, and Charge given out on Saturday; and in the Preaching of the word, by usurpation of the judicatorie thereof, by the interloquutor pronounced that day; it was a matter of such weight and importance in the estimation of all the Brethren, that if the King had taken Mr *David Black's* life, and a dozen of others with him, he could not have wounded the hearts of the Brethren more, nor done such injurie to the Lord *Jesus*: and therefore either these things behoved to be retreated and amended, or else the Brethren could no wayes be content; but would oppone themselves to such proceedings, to the extream hazard of their lives. The messengers, finding the matter more weightie nor they did before, were much moved, and reported their answer to the King, that same night. The day following, that is, wednesday the first of *December*, a Gentleman of the Kings Chamber came timously in the morning to one of the Brethren, and shewed to him; how the King was much moved with their answer, and had thought upon the matter all that night with little rest, & requested, that the Preacher be calme that day, not

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An interloquutor against Mr David Black.

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doubting but his *Maj.* would satisfie them. The other answered, that could not be obtained, unlesse there were evident appearance of amending wrongs: for the Brother, who was to teach, had God to answer to, & his Brethrens expectation, whom he could not offend, for pleasuring all the Kings of the Earth. Yet at his request, he went accompanied with another to the Palace, where they found a third Brother. In the mean time the Doctrine sounded mightily by the power of the Spirit, accompanying the Preacher *Mr James Balfour*.

After Sermon, the Kings minde being reported to the Commissioners and others conveened, and his offers read, they were amended in some points, as followeth; and they were glade of the alteration of the Kings minde.

The Articles and grounds of agreement betwixt his Majestie and the Commissioners of the General Assemblie.

That the Kings *Maj.* should declare his meaning touching the grieves of the Kirk, as followeth.

Touching the grieve of the Ministrie, meant to us, making mention, that an Act made by us and our Councel at *Edinburgh* the 24. of *November* 1596. and charge raised thereupon, for discharging of the Commissioners of the General Assemblie, they thought themselves prejudged in the Libertie and Power of their Assemblies, granted unto them by the Word of God, and approved by our Lawes, and whereof they have been in continual possession, since the reformation of Religion, craving therefore of us our Declaration thereanent, for clearing our intencion, and good minde toward the maintainance of the Spiritual Jurisdiction of the Kirk, as well for satisfaction of the Ministrie, as likewise of the rest of our Subjects. Therefore We with advice of our secret Council by the tenor hereof declare, that in the said Act we intended nor meant not, neither yet intend nor meane, to discharge any Assemblie of the Kirk, nor Acts or Conclusions thereof; but that the same stand, and shall stand in full strength, force and effect, according as they have been in use of the same by the warrant of the Word of God, and approbation of his *Maj.* Lawes agreeable thereunto: and whatsoever prejudgeth, or may prejudice the same, in the said Act of our Councel, we declare the same to be in it self null, and of no avail, force nor effect.

Next, that a Proclamation be made and published hereupon, containing likewise a Declaration of the Act, made at *Edinburgh* the 24. of *November*, and published by open Proclamation at the Market Crosse of *Edinburgh* the 27. of *November*, touching the discharging of Convocation, and Assembling, at the desire of the Ministers, that it extends to the convocation of Barones and Gentlemen in Arms only: and no wayes to any Ecclesiastical Conventions.

Lastly, that his *Maj.* declare, that the interloquutor, in the processe intended against *Mr David Black*, finding his *Maj.* and Councel to be judge of certain speeches, uttered by him in his Sermons, stand over, and not be used in any action intended, or to be intended against the said *Mr David*, or any Minister touching his Doctrine, or Application thereof in his Preaching; while it be fully reasoned and concluded by the evidence of the Word of God, in a lawful General Assemblie, if his *Maj.* in any respect may be competent judge therein, or not.

Upon

Upon the second of *December*, the Brethren directed to the King found him well content with the Articles in effect, some words excepted, which he caused presently to be altered. Farther, at their desire, he said he would agree to the abolishing of the said Acts, and not suffer them to be imbooked, being perswaded, after conference with the Brethren, that being extant they might be copied, and sent to other Countreyes, and so be prejudicial to his estimation among the Godly. He offered also of his own accord, to write to the Presbyteries, and satisfie them anent the said interloquutor, receiving of them a band of dutiffulness in their Doctrine on the other part. As for *Mr David Black*, he desired he might be brought down, and declare his Conscience anent the points of the libell, before *Mr David Lindsey*, *Mr James Nicolson* and *Mr Thomas Buchanan*; and he shall be content with whatsoever they shall think meet to be done.

The Brethren went down with *Mr David* afternoon, but found the King altered. He sent *Mr David Lindsey* to *Mr Black*, and craved of him to accord to compear before the Council, and there confesse an offence done to the *Queen*, at least, and so receive pardon &c. *Mr Black* refused altogether, lest so doing he should condemne himself, and approve their proceedings, both in that they had taken upon them to judge of his Sermons; and notwithstanding of most ample testimonials of Provost, Bailiffes, Council and Session of the Kirk, of the Rector, Dean of Facultie, Principals of Colledges, Regents and whole members of the Universitie, his daily auditors, produced by him before them, they rejected the same, and summoned, and admitted others, whom *Mr David* alledged ignorant and partially affected Persons, hardly put at by him, and under the danger of the censure of the Kirk, to bear witness *in tantum idoneorum copia*. But if it would please his *Maj.* & Council, to remit him to his Lawful & Ordinarie Judge, the Ecclesiastical Senat, he should declare willingly the truth in every point, and underlye censure, if he were found guiltie. *Mr Black* not being disposed to satisfie the King, in the forme he required, He went to the Council: *Mr Black* was called upon, & he not compearing, they proceed against him, read the deposition of the witnesses, convict him, & referre the punishment to the Kings pleasure.

Upon the third day of *December*, the Doctrine sounded after the old manner. The King sent for the Ministers, with whom he conferred the day before, and complained of such vehemencie in time of Conference. It was answered, that there was not so much spoken as there was cause, in respect he had altered his minde, and proceeded against *Mr Black*, and caused register the Acts, Interloquutor and whole Processe. That *Mr Black* came down, and was readie to satisfie his *Maj.* only refused to come before the Council, and acknowledge a fault. After long reasoning, they returned to the articles and grounds of agreement, and there was produced a forme of a Declaration upon a Proclamation; also a Declaration anent the Charge, together with a Missive to the Presbyterie of *Edinburgh* anent the interloquutor. All which forms and declarations, after they had caused diverse things to be amended, they received them to be communicat with the Commissioners and Brethren, who were awaiting till they returned from the King, who was then in the Tolbooth. The formes and declarations being read and considered by the Commissioners, and Council of the Brethren, they finde them no wayes meet to

1598.

Appearance of agreement betwixt the King & the Commissioners.

The King and Council proceed against Mr David Black.

New appearance of agreement.

repaire

1596.

repaire the hurt and injuries, which the Kingdom of *Christ* had received; but rather indiretly to confirme the same. Therefore such were appointed to penne such forms, as might be sufficient to repaire the prejudice done to the Kirk; & yet so far as was possible to have respect to his *Maj.* honour, & satisfaction. Mr *James Nicolson* & Mr *Thomas Buchanan* were directed to him, to show how willing they were to be at peace with him, if any wayes they might passe by the present action with a safe Conscience; and to use reasons to perswade him to peace. The day following, the Brethren, directed to the *King*, reported the heeds his *Maj.* had condescended unto, and that in their opinion there must be a time to remove the evil grounds, which were put in his head by the Bishop of *St Andrews* of unhappie memorie; and that his *Maj.* offered to have Conference at all times &c. The Commissioners & Brethren upon their report concluded the Grounds and Points of agreement following.

1.

That his *Maj.* was content to cause delete the foresaid Acts, whereupon the Proclamation and Charge did proceed, by writting on the margin of the book, according to the custome of deleting Acts. *This matter is agreed otherwayes, and therefore deleted:* And that the narrative of the Proclamation, nameing the Ministers, should be amended; and in place thereof put in *Papists, and evil affected Persons, enemies to the true Religion, Kirk and Countrey.* It being voted among the Brethren, whether this might satisfie touching that point for the time: It was concluded, it might.

2.

Touching processe led against *Mr Black*, his *Maj.* should offer by write not to use or alledge the vertue or preparative thereof, either against the said *Mr David*, or any other Minister, till it were decided by a lawful Assembly, whether he claime that which was his right, or not: And if by Scripture, or good reason, he might be moved to leave that claime, he should quite it. And farther, that he never meant to call any of the Ministrie before the Council againe; but either privatly before himself, or before certain of the Brethren, whom he should call for that effect. This being put in voting in like manner, if it might satisfie for the time: it was concluded, it might.

3.

That his *Maj.* craved write, conform to the act of the General Assemblée, that the Brethren should not speak unreverently of him, nor of his Council: Which also being voted: It was concluded, it should: And some Brethren were appointed to set down the forme.

The greatest difficultie concerning Mr Blacks part

So the Brethren above named were directed to go down to the *King*, hoping, that by advice of some of the best affected Counsellors, the matter should be agreed. Afternoon they entered in conference with the *King*, the Secreatar, the Treasurer, and *Sir George Home*. They agreed upon all the former points, except anent *Mr Black*; concerning whom it was craved, that some penaltie should be condescended unto by the Brethren, for satisfying his *Maj.* in his honour, and in favour of the *Queen*. The Brethren could not condescend to any penaltie, how light soever; Left thereby they should seem to approve the judicatorie, and their proceeding. But if his *Maj.* would annul their interloquutor, and suffer *Mr David* to be tried by the Ecclesiastical Senat, his *Maj.* being present, or any whom he would appoint: They offered, that he being found to have spoken amisse, should not escape the most severe censure that his offence could deserve. After earnest Conference for the space of five hours, the matter was deferred till munday, at which time his

Maj.

Maj. would signifie his resolution. In the mean time he craved, that the Ministers would forbear sharpness in application; which he feared now, because of the Fast. This being reported to the Commissioners and Brethren, they agreed to forbear sharpness in application, studying alwayes to peace, and hoping for agreement; and resolved only to move the people to pray earnestly for his *Maj.* that, he being thoroughly joined with the Kirk, they might set all their forces against the common Enemy, the *Spanjards* without, whose preparation his *Maj.* assured the Brethren to be very great, and against the Papists within our own bowels. Upon Munday, the Brethren that conferred with his *Maj.* were sent for to conferre with the Secretar, the Treasurer, and the Laird of *Colluthie*. They agreed in all points, except anent Mr *Black*, and his action. It was thought good, that they should intreat the *Queen* for contentment and favour. The *Queen* was content not only to forgive whatsoever offence she conceived, but also promised to interceed.

Upon the seventh of *December*, the Kings Letter, directed to the Presbyterie of *Edinburgh*, was read, and found no wayes sufficient to satisfie the desire of the Commissioners. Therefore some were appointed to penne such a forme of letter as might serve; the tenor whereof followeth.

Forasmuch as the Commissioners of the General Assemblie, and rest of the Brethren of the Ministrie convened, alledge the interloquutor, pronounced the last of *November* in the action of Mr *David Black*, whereby We and our Councel are found judges competent in the whole causes, points, crimes and accusations, particularly specified in the libel against the said Mr *David*, to be very prejudicial to the Libertie of Preaching of the Word, and Spiritual power of *Jesus Christ*; allowed and established by the Lawes of Parliament. We, most willing to keep unitie and peace in our whole Estate, specially with the Pastors and Ministers of the Kirk; as also to hold our selves free of any suspicion that may arise on our part, that we should be minded to abridge the Liberties of the Kirk, warranted by the Word, and allowed by our Lawes, are content, and by the word of a Prince faithfully promit, that the said interloquutor, nor nothing depending thereon, shall no wayes be used by us against Mr *David*, or made a preparative against any Minister within this Realme, until the question, moved anent the limits of the two Jurisdictions, Civil and Spiritual, be first freely reasoned, defined and fully resolved, in a General Assemblie of the Kirk, lawfully convened to that effect; by whose resolution we promise to abide: and if it shall happen any Minister to be delated to us hereafter, in like sort, we shall friendly and familiarly send for him, and abstain from all judicial procedoure against him, except we finde it convenient to remit him to his Presbyterie, or others his ordinarie Judges, Assemblies of the Kirk, to be censured as accords. Wishing you to do your duties to Us, as ye are obliged, procuring obedience of the people to God and Us, the quietness of the whole Estate, and keeping, in all your Sermons, the bounds prescribed to you by the Word of God; and Act of the General Assemblie holden at *Dundie*, and to send to Us your handwrits thereupon, that if any shall be found to do in the contrare, we may see him censured according to the said Act. From *Halyrudhouse* the day of

The same day, being a day of the Presbyterie of *Edinburgh*, the Act of

Formes of
Proclama-
tions and
Declara-
tions.

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the Presbyterie, which his *Maj.* craved, was formed, and agreed unto by the whole Presbyterie, and Commissioners of the General Assemblie, as followeth.

The which day, after calling on the Name of God, the Moderator and remanent Brethren of the Presbyterie of *Edinburgh*, considering how necessarie it is, that the Prince, & such as are placed in Authoritie, have all due honour, reverence and estimation with his Subjects, where through they might with the greater care, and readines of minde, for conscience sake, give their subjection and obedience, as to the Ordinance of God: & that all occasions, which might justly hinder, or impair the same, be carefully removed; and all that, by sinister construction of the ungodly, might be perverted, and drawn to that end, so cleared, that Satan thereby have no advantage: and perceiving that the libertie of Admonitions, which are at diverse times given to his *Maj.* and Council from Pulpit, in publick audience of the people, are interpreted and taken by some (namely such, as have their hearts set upon his *Maj.* disgrace, and unquietness of the Countrey, and hurt of the Cause of God) as arguments of misliking, and distrusting his *Maj.* affection in the upright course, and tending to the contempt and disgrace of his *Maj.* Authoritie and Person with his Subjects; whereby dangerous suspicions are engendered and fostered betwixt his *Maj.* and his good Subjects, to the great encouragement of the ungodly, and peril of the good Cause. Therefore the said Presbyterie willing, according to their bound dutie, by all means to testifie their dutiful affection, and care towards the maintenance and advancement of his *Maj.* Authoritie and Honour, by these presents declare in the sight of God, before whose eyes their hearts are manifest, that their intentions have been, are, and shall be, God willing, to their lifes end, in all sinceritie to procure his *Maj.* all blessing and prosperitie, by their Prayers, at the hands of God; & all due honour and obedience, by their exhortations & good example, at the hands of his Subjects, acknowledging this to be most acceptable before God their Saviour; and ordains every of the said Presbyterie to imploy himself fully according to his calling, for that effect; and that they commit nothing in the contraire upon whatsoever pretence, under all highest pain, that may be incurred by the Discipline of the Kirk, according to the qualitie of the offence: and in special, that none utter from Pulpit any rash or unreverent speeches against his *Maj.* the *Queens Maj.* and his *Majesties* Council or their Lawful and Godly Proceedings; but that all their publick admonitions tend to the glorie of God, and edification of their flocks, and auditors; and proceed upon just and necessarie causes; and with sufficient warrant, in all fear, love and reverence, under the pain of Deposition of such, as do in the contraire, from their function and office in the Ministry. And for the better observing hereof, it is ordained, that the Moderator and the whole Presbyterie subscribe these presents with their hands.

The formes of the Proclamations, appointed to be penned by some of the Brethren, were likewise heard & allowed, the tenor whereof followeth.

Forasmuch as it is understood by his *Maj.* that his *Highness* Proclamation, made the twentieth fourth of *November* last by past, is mistaken by a number of his *Maj.* best Subjects, as though the same discharged all meetings to the hearing of the Word Preached, and all manner of assistance of Barones, Gentlemen and others whatsoever, with the

Ministrie of the Kirk in their lawful Assemblies, which was never, nor is not his *Hignesse's* intention. Therefore his Maj. with advice of the Lords of Secret Council, declares, that the foresaid Proclamation extends only to the unlawful Convocation of Barones, Gentlemen, and others his Lieges in Armes, and no wayes to the discharge of Presbyteries, Synods and General Assemblies, and other ordinary meetings, allowed by the Word of God, and Lawes of this Realme: and therefore his Maj. with advice foresaid, ratifies and allowes the said Sessions, Presbyteries, Synodal and General Assemblies, and other Ecclesiastical meetings, as they have been used of before, and as they are established by Acts of Parliament, and ordains letters to be directed.

Forasmuch as albeit his Maj. being hardly informed of the Commissioners of the General Assemblie, presently convened in *Edinburgh*, & their proceedings, caused an Act of Secret Council to be made, annulling the Commission given to them in the last General Assemblie: and therefore charges were directed to certain of the Brethren of the Ministrie, specially named in the said Commission, charging them to depart to their several Flocks and Congregations, and no wayes to come within the Town of *Edinburgh*, or any other place or places, within this Realme, without his Maj. licence had and obtained thereto. Yet his Maj. considering the great danger wherein the State of Religion presently standeth, by the diligent trafficking of Enemies, Forreigne and Domestick, against the same; and that it would be no small encouragement to the said Enemies, to have the Commissioners discharged, who are met for resisting of their courses, findeth it no wayes convenient to put the said Act, or Letters thereon raised, in execution; but has allowed, and his Maj. with advice of the Lords of the Secret Council, ratifies and allowes the said Commission, in all the points and articles thereof, and ordains the same to stand in the own force and strength, till the next General Assemblie. As also his Maj. declares it was never, is not, nor shall be his *Hignesse's* intention to impugn any of the Liberties of the Kirk, warranted by the word, and allowed by the Acts of Parliament, specially the freedom of the meetings in Presbyteries, Synods and General Assemblies; but rather to defend the same to the uttermost, and to pursue the Enemies of Religion, and of the Liberties thereof with all extremitie, and ordains letters to be directed.

The Brethren, directed to the King before, were directed to signifie to his Majestie, that unless these forms were accepted, they could not be satisfied in conscience, nor the wound of the Kirk be healed. They reported his answers the day following, the 8. of *December*, in a frequent Assembly of the Brethren, of diverse Provinces, joining with the said Commissioners, as followeth. 1. Anent the form of a letter set down by the Brethren, which his Majestie should send to the Presbyteries, the King, in presence of the Council, refused: because it imported an indirect annulling of the interloquitor, as was alledged by the President. 2. Anent the Act of the Presbyterie of *Edinburgh*, it was not thought sufficient: because it contained not a simple band of not speaking against his Maj. & Council, but limited with certain conditions, which would aye come in question, and turn againe to the controversie of the Judicatorie. 3. The forms of Proclamations, penned by the Brethren, were refused: because they imported a plain retreating of the former Proclamations, and acknowledging

The
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of an offence. 4. His *Maj.* would no wayes passe from the interloquutor, pronounced in *Mr David Blacks* cause, nor grant to suspend the execution of the same till the General Assemblie; but the punishment being in his will, he would declare it in privat to the Brethren; which was, that howbeit he might punish rigorously, according to the qualitie of the crime proved; yet he would content himself with transportation, or suspension for a space. The Brethren not contented with his answers, for the reasons above-rehearsed, in end he craved to be resolved of the truth of certain speeches, namely, of the treacherie of his heart disclosed, and that all Kings were the devils bairnes. He desired the names of twentie, or twenty five indifferent men of the best judgement of *Mr David's* auditors, out of which number he should choose seven or eight, and examine in privat, and by their deposition be resolved; and that in the meantime *Mr David* should desist from preaching. They answered, they had no Commission, but to desire the forms to be given-in, to be accepted: But they should report his *Maj.* answers to the Commissioners & the rest of the Brethren. It is to be observed, that the President *Alexander Setoun* procured great favour by perswading the King, that he could not be in undoubted possession of the Judicatorie over Ministers, by the preparative of *Mr Black*, unlesse upon the sentence pronounced there followed a punishment: this hindered the King from agreement.

The Brethren resolve upon a grave admonition to the King

Upon the 9. of *December*, after report made of the *Kings* Answers, the Brethren perceiving, that there was nothing but driving of time, and thereby the motion of the Spirit was abated in the Brethren, and the enemies suffered to compass their intentions, thought it not expedient, that there should be any farther communing, but that a grave Commission should be directed to his *Maj.* to show, that seing the Brethren had most humbly sought redress of the grieves and wrongs, which *Christ* in his Kingdom had received of late by that Proclamation, Charge and Interloquutor, and full Processe prosecuted against one of their most faithful Brethren, for intertaining of peace and good agreement betwixt his *Maj.* & the Kirk, and had been most willing to condescend to any conditions, that might have mitigat the wounds, which *Christs* Kingdom had received, until thereafter they might have been thoroughly cured; and that to the intent the whole forces, both of his *Maj.* and of the Kirk, might be turned against the common Enemy: and yet that could no wayes be obtained, but, by the contrair, the enemies were favoured & spared, & the faithful Pastors of the Kirk reviled, and pursued, that they would protest before God, they were free of his *Maj.* blood, and of whatsoever should ensue, and come upon the Realme, in the righteous judgement of God: For as to them, and the remanent of their Brethren, the Pastors of the Kirk, Office-bearers of the Kingdom of *Christ*, they durst not, for fear of committing high treason against the *Spiritual King* and Lord, abstain any longer from fighting against such proceedings with that *Spiritual* armour given to them, potent in God for overthrowing of these bulwarkes and mounts erected, & set up for the oppugning & sacking of the Lords *Jerusalem*.

Mr Black charged to enter into ward.

Upon the 10. of *December* *Mr David Black* was charged by a Mace to enter his Person in ward benorth the North water, and to remaine and keep ward benorth the said water, upon his own expences, and no wayes to repair besouth the said water, aye and while his *Highness* declare his will and minde concerning him, for certain Treasonable, Undiscreet,

Slanderous

Slanderous and Seditious calumnies and speeches, uttered by him against his *Maj.* his dearest Bedfellow; his Neighbour *Princess*; his Nobilitie, Council and Session, to the fostering, & raising up of trouble, and of his *Highness* Subjects to a Convocation and Insurrection against his *Maj.* to the disquieting of the Estate, particularly mentioned in a decreet of secret Council, given against him thereupon, within six dayes next after he be charged, under the pain of rebellion, & putting of him to the horne.

Mr. David produced the copie of the charge to the Brethren.

This day *Mr. Peter Bleckburne*, Minister of *Aberdeen*, declared, that he and *Mr. David Cunninghame*, commonly called Bishop of *Aberdeen*, informed the Brethren, that they were enquired by the King and Council, if there was conference betwixt certain Barones, in name of the *Earle of Huntlie*, and certain Brethren of the Synod, that they answered, there was; but had referred the conclusion to his *Maj.* and to the General Assemblie; that his *Maj.* and the Council allowed their doing, and gave licence to deal farther with the said *Earle*. The Brethren found fault with the proceedings of the Synod of *Aberdeen*, in so far as they had desired them not to do any thing in the said matter, and ordained them to desist from any farther dealing with the said *Earle's* Friends, till the licence of the General Assemblie were craved and obtained.

Upon the elevent of *December* the Commissioners were certainly informed, that there were a number of Missives readie to be directed for calling a Convention of Estates, and a General Assemblie; the copie whereof here followeth.

We greet you well.

As we have ever carried a special good will to the effectuating of the Policie of the Kirk, whereanent we have oftentimes had conference with the Pastors and Ministrie, so we and they both resolving now in end, that the whole order of the said policie shall be particularly condescended and agreed upon, for avoiding of sundrie questions and controversies, that may fall out thereanent, to the slander and danger of Religion, we have for that effect appointed, as well a General Convention of our Estates, as a General Assemblie of the Ministrie, to hold here at *Edinburgh*, upon the fift day of *Februar* next to come, to treat and resolve anent all questions, standing in controversie and difference betwixt the Civil and Ecclesiastical Judgement, or any wayes concerning the policie and external governing of the Kirk: and therefore will We effectually request, and desire you, that ye fail not, all excuses set apart, to be present at our Convention, the day and place foresaid, precisely, to give your best advice and opinion of that matter, as yettender the effectuating thereof, respect the well of Religion and Estate; and will shew your self our dutiful and well affected subject. So we commie you to Gods Protection. From *Halyrudhouse* the day of *December*.

By this Missive, and sundrie other passages of this Historie since *August*, the Reader may perceive, that the alteration of Discipline is not to be imputed to the tumult, which fell forth the seventeenth day following of this instant Moneth of *December*, but was intended before, and questions framed for the purpose, whereof we have made mention before; which we shall set down in a more proper place after, with answers to them. Who is so blinde that he may not perceive, that this

1596.

The Synod of Aberdeen found fault with.

A convention and Assembly to be convened:

Alteration of Discipline, when intended.

1596.

Fasting &
feasting.The King
refuses sti-
pends, but
upon a
condition.Exhortati-
on to the
Presbyte-
rie of Edin-
burgh.The Com-
missioners
charged to
passe off the
Town.The Com-
missioners
advise to the
Minis-
ters of E-
dinburgh.The Com-
missioners
resolve up-
on a decla-
ration.

alteration was intended, when the Ministrie was most earnest against the Excommunicat Earles, and that when they were pursuing hottest, they were forced to defend themselves?

Upon the Lords day the 12. of *December*, which was a day of Fast, the Doctrine sounded powerfully; but the Feast of the *Queens* nativitie was keeped in the Abbey.

Upon the 13. of *December*, the Commissioners of the General Assemblie thought good, to direct some of the Brethren to the King, to crave a Commission to certain Lords and Ministers to sit upon the Modification of stipends, according to the yearly custome. They reported the day following the Kings answer, to wit, that such as would acknowledge his Authoritie, and themselves to be his Subjects, should have their pensions, (so he called their stipends): but he would give no fee to such as would disclame his Authoritie and Obedience. That it was answered, that all would be and continue his *Majesties* most dutiful and obedient Subjects, that none in the Land had given better proof of their good affection and loyaltie of their hearts, nor yet in time to come should go before them, in all dutie, in God. That it was replied, his *Maj.* beboved to have a proof of Obedience, by subscribing some few lines, which they should receive to morrow once in the day in writ; that those who would subscribe, should have their stipends, otherways not.

This same day the 14. of *December*, the Commissioners of the General Assemblie exhorted the Presbyterie of *Edinburgh*, as they would answer to God & his Kirk, for the discharge of their dutie, in so necessary & dangerous a time, that they call before them such Persons of highest rank, as are known, or may be found to be malicious enemies against the Ministrie, and Cause of *Christ* in their hands, and to proceed against them to Excommunication.

This day the Commissioners of the General Assemblie were charged, with sound of trumpet at the market Crosse of *Edinburgh*, to passe off the Town, within fourtie eight houres. The Brethren advising concluded, howbeit they might lawfully disobey the Charge, yet in respect of diverse circumstances, it was not expedient for the present: Specially because other good Brethren might succeed to such as were discharged, and so the work go forward.

This day, the Ministers of *Edinburgh* related to the Commissioners, how they were certainly informed, that there was an intention to pull them by violence out of the pulpit. They advised them to stand to the discharge of their calling, if their Flocks would save them from violence: otherways to give place to such furie, and to reserve their lives from danger to a better time.

The Commissioners, fearing that the heavey temptation of poverty might prevail over the weak, and move them to subscribe the writ above-mentioned, which might be set down in general and fair termes, and yet captiously import acknowledgement of the Councils judicatorie over the Preaching of the word, they thought it requisite, that a Declaration be made, wherein their whole proceedings should be touched, & clearly set down in writ, and a Copie sent to every Presbyterie, together with a Letter from them, which being done, they resolve to return to their own particular Charges, and give place to others.

A declaration

A declaration of the Commissioners of the General Assemblie their proceedings, anent the petition proponed by them to his Maj. for order taking to purge the land of the Excommunicated Idolatrous Earles, and controversie fallen out by occasion thereof.

For as much as the lawful and Godly Proceedings of the Commissioners of the General Assemblie, convened at *Edinburgh* in the moneths of *October*, *November*, *December* in the year 1596. For preventing the great and manifold dangers, imminent to the Estate of true Religion, the whole Commonwealth, and the Estate of his *Maj.* Crown and Person, have been, and are publickly traduced by infamous Acts, Libels & Proclamations, as being against the Lawes both of God & man, where-through the adversaries of the truth might take advantage, to bear down the good Cause of God, and credite of the Ministers thereof; & the Consciences of the infirme bewounded, if the truth of the said proceedings were not manifested, and the sinceritie of the Commissioners cleared openly, and made evident to the Consciences of all. Therefore, they have thought it necessare, and their bound dutie, to set down the substance of their whole proceedings summarily, in the discharge of the said Commission, which they will avow, before God and the world, to be the simple truth; Craving therefore, that it may be lovingly heard, and have credite of all their faithful Brethren, against whatsoever Calumnies, uttered in publick or privat to the derogation thereof.

And first, touching the occasion and warrant of their meeting, it is of veritie, that the last General Assemblie, holden at *Edinburgh* in the moneth of *March*, considering that the iniquitie of the land was even then in all appearance come to that hight, that it could not be long unvisited in the Lords justice, found it necessare, that the said Commissioners should at all evident occasions of the approaching wrath, assemble themselves to Consult, Reason, Advise &c. And propon Articles to his *Maj.* for preventing of all dangers, which might be likely to fall to the Estate of Religion. And albeit it was certainly known to diverse of them, that the sometime *Earle of Huntlie* was returned within the Countrey in the moneth of *June*; like as his *Maj.* was informed and certified thereof by them soon after, in the moneth of *July*: Whereupon notwithstanding no action followed against him at that time; and albeit that offer was proponed in his name at *Falkland*, in the moneth of *August* thereafter, and heard by his *Maj.* in Council, where it was concluded, that it should be leesome for him to return, and remain within the Countrey, upon the performance of such conditions, as his *Maj.* should propone to be performed of him; notwithstanding that the whole Ministers, there present for the time, disaffected therefrom, and protested in the contrair; in respect that neither could it stand with his *Maj.* Honour, to receive or propone conditions to him, by reason of the constant report of his returning; while it might be first made manifest to his *Maj.* by an authentick testimonial from the place of his residence without the Countrey, where the suiters for him then alledged he was, that he was indeed then resident without the Countrey, in such a place: neither yet could it be for the suretie of Religion, and peace of the Countrey, to receive the said Offers, in so far as both the Apostasie, whereupon the sentence of Excommunication had

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been pronounced against him; and likewise his conspiracie with the *Spaniard*, for which he was forefaulted, stood unremoved, or acknowledged any wayes for an offence. And albeit likewise that the Conditions foresaid were concluded in his favours at *Dumfermline*, and proponed to him, whereby diverse of his Friends and Confederats, Favourers of the evil cause, began insolently to be puffed up, and be in espérance of their full peace, and recoverie of the state of their cause. Yet notwithstanding the said Commissioners desisted from assembling themselves, till the pride and advancement of the enemies, was like to come hastily to that hight, which might endanger the whole Cause, and peace of the Countrey, as was perceived evidently by diverse Presbyteries & Provincial Assemblies, from which advertisement was given to the Moderator of the General Assemblie, that he might, upon so necessarie occasions, assemble the Commissioners foresaid for that effect, contained in the said Commission. Upon whose advertisement the said Commissioners being convened, according as the necessitie craved, were occupied from time to time, in the points and manner following.

First, Their care was to examine, and finde out the truth of the *Earle of Huntlies* returning, and of the course and diligence, which had been taken by himself, his friends and favourers, and what the same had effectuat, and was like to effectuat by all probabilitie of reason, that thereby the danger might be once vively seen and apprehended.

Thereafter they were occupied, in setting down the most effectual and lawful remedies that could be found out, to prevent the said dangers.

And it was found, that the *Earle of Huntlie* was undoubtedly returned in the moneth of *June*, and the *Earle of Errol* in the moneth of *September*, and that both were resident within the Countrey. That the *Ladie Huntlie*, by her diligence and credite, had procured a Convention of diverse of the Nobilitie, and others the *Earle of Huntlies* special favourers, in which it was concluded, that he should have licence to return within the Countrey, upon the performance of such conditions, as should be proponed to him by his *Maj.* As likewise another Convention at *Dumfermline*, where the said conditions were concluded, the vvhich vv ere offered to him; and all done vvithout the consent and approbation of the Ministrie; vvhereby the pride & strength of the said *Earle* vv as perceived to grovv in such sort, that therein the hazard of Religion, of the peace of the Countrey, of the lives of good men, of his *Maj.* Estate & Crown, vv as seen evidently, in so far as the same causes, that perilled all these before, vv ere yet standing in his Person unremoved.

For remedie whereof, it was found necessarie, that every Presbyterie within the Countrey should be acquainted herewith, to the end that they might apprehend, in the evidence of this danger, the angrie countenance of God against the iniquitie of the land, thereafter they might bring themselves and their Flocks to a true humiliation before God, & turning from all their evil wayes to a true and unfeigned amendement of life. *Next*, that his *Maj.* should be earnestly insisted with, to appeare in action against the forefaulted *Earles*: And for that effect, the said Commissioners diverse times directed some of their number to his *Maj.* who craved the same of his *Maj.* in all humilitie and earnestness.

And because the pride of the Adversarie increased, and the danger appeared more and more, the Brethren were constrained in their Doctrine publickly to deal against the forefaulted Excommunicats, and their Fa-

vourers,

vourers, and to use their admonitions publickly to his *Maj.* and Council, with greater power than before. Whereby it was likely to come to passe, partly by the dealing of the Brethren privatly with his *Maj.* and partly by the force of the Doctrine publickly, that the Adversaries should be frustrated somewhat of their expectations; and the course, taken in their favours, interrupted.

Which being perceived of their Favourers, as appeareth clearly by the effect, they imploy their wits and credite to engender in his *Maj.* heart a suspision; and misliking of the Ministrie, that thereafter they might the more easily divert his affection from them and their cause: wherein they profited so far, that upon occasion of a privat admonition, given in loving manner by one of his *Maj.* own Ministers, he was moved at the instant to cast him off, in such sort, that ever since he has refused to hear him, either in privat, or in publick; albeit at all times before his *Maj.* was accustomed to take all such Admonitions lovingly: whereupon the advantage of the Enemie, and prejudice of the Cause, goes forward in such manner, that the Brethren were moved upon necessitie, for zeal of the Cause, to be more frequent in their publick Admonitions; and by this means his *Maj.* discontentment was so fostered by the craft of the Favourers of the Enemies against the Ministrie, that he was induced to convert his whole actions against them, with greater intention, then he could be moved against the Adversaries, this long time. Thinking thereby *first*, to endanger the credite of the Ministrie at his *Maj.* hand, and *then* to invade the Libertie of their Preaching, that the whole Commissioners should be driven to leave the prosecuting of their suit against the Papists, and to imploy themselves wholly to defend the freedom of their Preaching and Discipline.

And for the more effectual accomplishing thereof, during the time of the conference, which the Commissioners had with his *Maj.* *Mr David Black* Minister of *St Andrews*, was charged by letters to compear before his *Maj.* and the secret Council, for certain unreverent, unfamous and undecent speeches, alledged uttered by him in his Sermons, the particulars whereof neither concerned his *Maj.* nor any of his Council, where through his *Maj.* might have been moved earnestly to insist in the said accusation: and yet notwithstanding, the Commissioners could no wayes procure the delaying thereof; and albeit they dealt instantly with his *Maj.* that all controversie and question, which his *Maj.* had with any of the Ministrie, might be past over in silence, until first by a common concurrence some order might be taken for repressing of the common Adversarie. Which moved the Commissioners to enter in a more deep consideration of the action, intended against the said *Mr David Black*, and of the consequence thereof: and finding that it might be a dangerous preparative to impaire the Libertie of the Ministrie, in application of the Word, if his *Maj.* should finde Himself Judge, and proceed in trial of Doctrine or of Application thereof. Therefore it was thought necessary by the said Commissioners, that if his *Maj.* and Council would insist, in prosecuting the said action against the said *Mr David*, in that case, he should propone a Declinature of his *Maj.* and Councils judgement, not minding thereby to derogat from his *Maj.* Authority or Jurisdiction, in any point, as they protest before God; but having regaird, that the freedom of the Spirit of God, in the rebuke of sinne; be not restrained in the mouthes of his Servants. Which the

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said Commissioners perceived clearly, and affirme, to be the very principal butt, that is shot at in this whole action : because the mysterie of iniquitie, which has been intended, is begun and goeth forward (whether the purpose be to thrall the Gospel by injunctions, or by a policie equivalent to injunctions, or to bring in libertie of conscience, or if it draw yet deeper in Papistrie, which is to be feared for many reasons, and will be revealed in the own time) being in it self such as cannot abide the light of reprehension : the only advantage of their cause is thought to stand in the extinguishing of the light, which might discover the unlawfulness thereof, that so they might passe forward in darkness without all challenge, till the truth were overthrown ; which the Lord forbid ; for his great mercies sake. And because impietie dare not be yet so impudent to crave in expresse termes, that sinne be not rebuked, it is sought only, that his *Maj.* and Council be acknowledged judges in matters civil and criminal, treasonable and seditious, vvhich shall be found uttered by any Minister in his Doctrine, thinking to dravv the rebuke of sinne in the King, Councell, or their proceedings, under the name of one of these crimes ; and that vvay either to restrain the libertie of Preaching, or else to punish it under the name of some vice, by a pretence of Lavv and Justice, and so by time to bind the Word of God, that sinne may go forward vvith lifted up hand to the highest. Like as his *Maj.* and Council have proceeded, and found themselves judges, and followed out the processe to the very sentence, which his *Maj.* has reserved in his own hand : and in the mean time has put the said *Mr David* in ward, while his *Maj.* will be declared.

Wherein the Commissioners, perceiving the Gospel to be assaulted with deep craftinesse, and such as could not be easily deciphered, nor perceived of every one, when it is deciphered, found it therefore most requisite, that the cause should be with fasting and prayer most earnestly recommended to the defence of God, by whose power it hath been assisted and maintained from the beginning, against all Adversaries whatsoever ; and in the mean time, that the Brethren, according to the measure of spiritual wisdom and strength, which the Lord should bestow on every one, notwithstanding of whatsoever hazard, should stand constantly to the truth against all power and craft, that might assail the same ; and should discover the danger, that by this course in end might fall to Religion, the State of the Countrey, his *Maj.* State and Person, and lives of all good men. Protesting alwayes, that if any Minister of the Word within the whole Land, in using and Preaching of the Word of God, should passe the bounds prescribed by the Apostle, in that case he should underlye the straitest punishment contained in his *Maj.* Lawes, according to the qualitie of his offence, being found and declared so to have done by his competent and lawful judge, the Senat Ecclesiastick : that is to say, if either he applyed not the Word, interpreted not to the Information of the minde in the truth by Doctrine, or to the Reformation of error contraire to the truth of God, or else the Reformation of the powers and actions of the soul and bodie by exhortation to Godliness ; or to therebuke of sinne ; or to comfort, and strengthen the Godly in all truth and Godliness, against the assaults of sinne and error ; or to such other Godly ends allowed in the Word of God : in that case, let him be convicted to speak without warrant, and punished to the extremity, as accordeth.

In respect whereof the said Commissioners have very often and earnestly travelled with his *Maj.* that the cause of the Kirk might be reponed in as good case as it was in, when the suit was first moved to his *Maj.* against the common Enemie; that if they profited nothing in their travels in the principal errand, at least the cause should not be worse, for their dutiful and faithful diligence, in the discharge of a good conscience in their Commission: and to that effect, that all Acts, Decrees and Interloquutors, given to the prejudice of the same, might be retreated. The which because it could not be obtained of his *Maj.* the Commissioners were content to accept a suspension of proceffe and execution thereupon, while it might be reasoned and concluded in a Lawful Assemblie, whether the same ought to be *simpliciter* rescinded, or not; promising in the mean time, that none of the Ministrie should utter against his *Maj.* and Council, or any of their lawful and Godly proceedings, any rash or unreverent speeches, under the pain of deposition from the function of the Ministrie.

But this could no wayes be granted, notwithstanding of the great instance of the Commissioners, still travelling to procure by all means the same at his *Maj.* hands, that the peace of the Kirk might be keepled, if it were possible, so far as could be with a good conscience, not prejudging the Gospel. And albeit the successe of the Brethrens labours, was not according to their desire, yet they determined in patience to attend upon the cause, until it should please the Lord to move his *Maj.* heart to a better consideration. And for that effect, they ceased not to use all lawful means; until by publick Proclamation the Commissioners were charged, under the pain of horning, to remove themselves, and to depart to their severall Congregations: at which time, notwithstanding the necessitie of the cause required a greater attendance and diligence of the Commissioners, then before; yet they, not willing to incur any wayes the suspicion of contempt of his *Maj.* Authoritie, resolved to obey his *Maj.* charge, and to commit the cause to God, and to the faithful care and diligence of the Brethren of the Presbyterie of *Edinburgh*, charging them in the name of God to have that care thereof, that is requisite in so dangerous a time. Requesting likewise the whole Brethren, unto whom expressly the said Commissioners direct this present Declaration for that effect; to recommend this cause earnestly in their Prayers to God, and to imploy their whole credite and labours to the same end, so far as they may by their calling; that yet the Lord may suspend the execution of his wrath, which this Countrey has justly deserved, and continue his favour for the comfort of his Saints in *Christ*, to whom be all Glorie and Honour for ever. *Amen.*

Upon the sixteenth of *December*, the King sent a Macer for the four Ministers of *Edinburgh*, and sought a new conference. The Secretar *Mr John Lindsey* said to *Mr Robert Bruce*, that the King would take him to the Ministers of *Edinburgh* aillanerly. *Mr Robert Bruce* answered, they would no wayes enter in a new communing, till the Commissioners were called back again, with as publick and honest a Proclamation, as it was dishonest and calumnious, wherewith they were charged to depart. The Secretar, after advisement with the President, promised it should be so. So the Brethren were content with a more moderat course, till the return of the Commissioners.

The King
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The tumult
upon the
seven-
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of De-
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In the mean time, twentie four of the best affected Burgeses of *Edinburgh* were to be charged to depart out of the Town. *Sir George Home* afterward *Earle of Dumbar*, *David Murray* afterward *Lord Scoone* and *Vicount of Stormonth*, *Sir Patrick Murray* his Brother, *Sir Robert Melvaine* younger and other gubicular Courtiers, finding themselves prejudged by those who were called *Octavians*, who had the managing of the King and *Queen's* Patrimoine, sought by all means to kindle a fire betwixt them and the Ministers. First, they went to the Ministers severally, & assured them, that the *Octavians* were the only procurers of *Mr Blacks* trouble, and of other inconveniences, which were like to follow thereupon; that if they took not good heed, they would soon alter the Estate of Religion; that without their knowledge the Popish *Earles* durst never have returned; that all men understood very well, that President *Setoun*, Secretary *Lindsey*, *Mr James Elphinstoun*, *Mr Thomas Hammiltoun* Advocat, were Papists. They willed them therefore to be upon their guard, and to look for no good, so long as they guided the Court. Upon the other part, they sent advertisement to the *Octavians*, that the Ministers perceived them to be their accusers, & the inbringers of the Popish Lords; that the Ministers & a great part of the Professors of *Edinburgh* were upon their guard: therefore desired them likewise to keep their gates close, lest they come in some night and cut their throats. *Andrew Hart* and *Edward Cathkine* Booksellers bought Books belonging to *John Nortoun* Englishman, after the death of *Edmond Wats* his servant resident here in *Edinburgh*, and all the debts belonging to him, or to his Master. Whereupon they obtained a decreet against *Robert Stewart* Macer, for the payment of four hundred pounds, addebted by him to the said *Edmond*, or to his Master *John Nortoun* Stationer and indweller in *London*. *Robert Stewart*, to be freed of the payment of the summe, gave up their names with the names of others, who were most familiar with the Ministers, and most careful for their defence by watching in the night, as Ringleaders of others to sedition, and emboldeners of the Ministers in their present course. These were to be charged in special to depart out of the Town. The charge began to be execute the seventeenth of *December*, timously in the morning, upon some of the number. *Mr Walter Balcanquell*, being informed by one of the number, before he went to Pulpit, opened up in his Sermon the purposes of the Enemies; found fault with the charge, which was given to some honest inhabitants within the Town to depart, and not to come neer it so many miles, during the *Kings* will, without any special cause alledged, and when the King and the Ministrie were under good termes and conditions. Having ended the Sermon, he requested the Noblemen & Gentlemen there present, and well affected Citizens, to assemble in the *Little Kirk*, to advise how the imminent danger might be eschewed; and said, that he had a warrant of his Brethren to convene them for that effect. They convene immediatly after Sermon in the East Kirk, called the *Little Kirk*. *Mr Robert Bruce* laid out the danger, wherein the Kirk was, by the returning of the Popish Lords, and the favour shewed to them; and thereupon desired those who were present, to hold up their hands, vow and swear to defend the present Estate of Religion against all opposers whatsoever. After his exhortation, the *Lord Lindsey*, the *Lord Forbes*, the *Lairds of Bagenie* and *Blairquhan*, two Bailiffes in name of the Town of *Edinburgh*, *Mr Robert Bruce* himself, and another Minister, were directed to the King, sitting in the mean time in

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the Tolbooth, among the Lords of Session, to Present to him certain Articles, for redresse of the wrongs done to the Kirk, and preventing of imminent dangers. *Mr Michael Cranstoun*, a forward Minister at that time, readeth the Historie of *Haman* and *Mordecai*, and such other places of Scripture, till the returning of the Commissioners. The Commissioners discharged their Commission in humble and lamentable manner. One of the Articles of their Commission, was to crave, that his *Maj* would remove from him those Councillours that had counselled him to bring home the Popish Lords, to the perril of the Kirk, of his own Estate, and the Estate of Religion. The King miscontented with their Commission, turneth, & withdraweth himself from them. After the returning and report of the Commissioners, they began to advise what was next to be done. In the mean time, riseth a rumor in the Town, that the King had given no good answer to the Kirk; & in the Tolbooth, that the Town was in armes, before there was any such thing. But so it fell forth immediatly; for a messenger of Satan, suborned by some of the cubicular Courtiers abovenamed, who wished some mischief to fall upon those, who were called *Octavians*, came to the Kirk door, and cried *Fy, save your selves*; and ran to the streets, and cried *Armour, Armour*. The people rise in armes, some running one way, some running another. Some, thinking the King was laid hands on, ran to the Tolbooth: some, thinking some of the Ministers were slain, ran to the Kirk. Two or three ran to the Tolbooth doores, which were shut, because of the uproar, & called for President *Setoun*, *Mr James Elphinstoun* and *Mr Thomas Hammiltoun* to be delivered to them, that they might take order with them; and called them abusers of the King. This was the greatest enormitie that was committed, during the uproar. The Noblemen, Gentlemen and Barons, which were in the Kirk, went forth also, at the false allarm given by that suborned messenger, that came to the door, and put on their armour. The Earle of *Marr* & the Lord *Halvudhouse* were sent down from the King to the Barones and Ministers convened in the Kirk yard. Some hot speeches past betwixt the Earle of *Marr* and the Lord *Lindsey*, so that they could not be pacified for a long time. The King sent a charge to the Provost and Bailiffes to stay the tumult. The Provost *Alexander Home of Northberwick*, being sickly, came to the King, and after knowledge of his will, did his Office. So every man went home, and put off his armour: For there was no purpose nor enterprise to do any man harm; and if there had been, there could be no resistance made. The King sent the Lord *Uchiltrie* with some others to the Barones, Gentlemen and Ministers, to desire them to send their Articles and Request to him, after his going to his Palace, promising them an answer to their contentment. So he went down the street, conveyed by the Provost, Bailiffes, and accompanied with some of the *Octavians*.

The Ministers and other Professors convened after the tumult, and directed the Lord *Forbes*, the Laird of *Bargenie*, *Blairquhan* and *Fawdonside* with these Articles. 1. That his *Maj* would remove from his companie such as were thought to be the chief Authors of all the troubles of the Kirk, and were known to be moyeners for the Excommunicat Earles, videlicet, the President *Alexander Setoun*, *Mr James Elphinstoun*, *Mr Thomas Hammiltoun*. 2. That the Excommunicat Earles be removed out of the Countrey, till they offered such reasonable condi-

Commissioners from the professors to the King.

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Edinburgh
threatened
with the
want of the
Session &c

Mr Robert
Bruce his
speeches.

tions, as the Kirk might be content with. 3. That the Commissioners of the General Assemblie, who were charged by open Proclamation to depart out of Town, may be warranted by open Proclamation to return again to *Edinburgh*, to attend on the affairs of the Kirk, committed to their Charge. They went down in the evening about five hours, but got no presence; or, as others report, being informed when they came to the Palace Court, that the King was enraged for the dishonour he apprehended done to him that day, separated themselves, and left their Commission undischarged. But *Bargenie* was brought in to the Kings Chamber that night, by *Uchiltrees* moyen, and recovered his favour.

Upon saturday the eighteenth of *December*, the King rideth timoufly to *Linlithgow*, All that were not ordinarie residents in *Edinburgh*, were commanded by open Proclamation to depart out of the Town, in the Kings name, within six hours, under the pain of Treason. Sheriffes, Justiciars, Commissars and other Judges were discharged to hold their Courts in *Edinburgh*. All the members of the Session were charged to make themselves readie to come out of *Edinburgh*, the whole Session, to the place which should be appointed by the next Proclamation.

Upon the Lords day the 19. of *December*, *Mr Robert Bruce* preaching upon the the 51. Psalme, said, the removal of your Ministers is at hand. Our life shall be extreemly sought; but ye shall see with your eyes, that God shall guard us, and be our buckler and defence. The hypocrisie of many, and iniquitie of some, shall clearly appear. The trial shall go through all men from King and Queen, to Councel and Nobilitie; from Session to Barones; from Barones to Burgeses: Yea to every craftsman. Sorie am I, that I should see such weakness in many of you; that ye dare not utter so much as one word for Gods Glorie, and the good Cause. It is not we that are partie in this cause. No, the quarrel is berwixt a greater Prince and them. What are we but sillie men, and unworthie creatures: Yet it has pleased him to set us in this Office, and to make us his own mouth, that we should oppon to the manifest usurpation that is made upon his Spiritual Kingdom, and this inroaching upon all our Spiritual Liberties. I am sorie, that our holy cause should be so obscured by this late tumult; and that the desperat enemies should be emboldned to pull the crown off *Christs* head. I had rather been banished *Scotland* for ever, ere one drop of their blood had been spilt that day. Let us suffer chearfully, and in the mean time stand to the Cause. Is there a more forceable mean to draw down the wrath of God, then to let *Barabbas*, that nobilitat and renowned malefactor, passe free, and to beginne the warres against *Christ* and his Ministrie? Might not the forged cavillation against *Mr David Black*, as I know by his own deposition, have ceased, till either the desperat & cruel enemy had been reclaimed; or otherwayes forceably expulsed, and banished the Countrey? It is known well enough, that some of these Traitours, that came last home, have promises of moyen, and that succour shall follow shortly after. When the Cardinal shall hear this dealing, shall he not be animated to prosecute his intended hops, and to precipitat the ruine of this senselesse and secure Isle? It grieveth me, that so many should rejoyce in our visitation, that some that bear Office and have born Office, in this Town, should add matter of grief. It putteth on the copestone, that so many of our own Brethren should not be so faithful, as their worthie Calling, and the dignitie of this Cause craveth. Fy upon false Brethren, to see them dumb

now,

now, so faint-hearted, when it comes to the choke. Not only are they ashamed to speak the thing they think, which is a shame in a Pastor; but speak directly against their former Doctrine, Oath & Subscription. We have ever been praying for planting, but never for good planting. I had rather have one sincere heart planted, that is brought out of nature by the work of the Spirit of grace, than twentie or an hundreth of these fine counterfites for all their learning. These men are the wrack of our Kirk. They will speak the Truth a while, till they be put at; but in continent they will turn, and make their gifts weapons to fight against *Christ* and his Kingdom: For there is none so malicious as an Apostat, when he beginneth to slide back. They will do evil, that good may come of it; pretend their calling, but intend another thing, I warrant you, till the Lord cast the dirt of their own actions upon the face of their Consciences, to confound them with shame; Until the time that we, who are weak indeed, be humbled in our own Consciences, for too much bearing with them, I look never to see the banners of grace displayed, as they were wont to be. In the mean time, Brethren, our victorie must break out of our patience, & our triumph out of long suffering. The Lord prepare us in mercie &c.

Upon the twenty of *December*, the King and Council directed from *Linlithgow* to *Edinburgh* two charges, the one to charge *Masters Robert Bruce, James Balfour, Walter Balcanquell, William Watson* Ministers at *Edinburgh*, and some Citizens, to enter in ward in the Castle of *Edinburgh*, within six hours after the Proclamation, under the pain of horning: Another, that the said Persons and *Mr Michael Cranston* compear in *Linlithgow* upon the 25. of *December*, to answer *super inquirendis*. A charge was likewise sent to the Magistrates of *Edinburgh*, to apprehend the five abovenamed, and *Edward Johnston, Michael Flaeabairn, Edward and James Cathkine* and *Andrew Hart Burgeses*.

The four Ministers of *Edinburgh* abovenamed, being assured, that the Kings anger was chiefly kindled against them; three of their number resolved to withdraw themselves for a time. *Mr Robert Bruce* would have stayed, in respect that he went not out of the Kirk nor Kirk yard, the time of the tumult. But lest the rest should be involved in some guiltiness, and by the perswasion of the wisest of his own flock, who apprehended the danger more deeply then he did himself, was moved to withdraw himself with the rest. So *Mr Robert & Mr Walter* departed about the evening the 23. of *December* toward the South, and lurked in *Torkschire*. *Mr James Balfour* and *Mr William Watson* lurked in *Fyfe*.

Upon the same day the 20. of *December*, the King sent for his Minister *Mr Patrick Galloway*, who went to *Linlithgow*; but was not suffered to come neer the King. The copie of a Band was presented to him to be subscribed, with which the rest of the Ministers were also to be urged. He answered, he was never the head of any faction in the Kirk, and now God willing would not begin. But if his Maj. would call for a Generall Assemblie, or send for their Commissioners, that the matter may be discussed, if it were found Lawful, he should subscribe it.

I finde two different formes of the band; But I take this following to be the rightest, in respect of the reasons, penned at that time for answer to it.

The Ministers of *Edinburgh* charged &c.

The Ministers of *Edinburgh* depart out of the Town.

Mr Patrick Galloway urged to subscribe band.

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The copie of the Band, ordained by his Majestie and Estates to be subscribed by every one of the Ministrie, under the pain of losing of their stipends.

We the Pastors and Ministers of *Scotland*, underscribing, humble acknowledging our dutie to God, and obedience to the King our Sovereign, whom for conscience sake we ought to obey, confesse, that he is our Sovereign Judge to us, and every one of us, in all causes of sedition and treason, and others civil and criminal matters; and to all our speeches, which may import the said crimes, albeit uttered by any of us publickly in Pulpit (which God forbid) or in any other place: & that the said Pulpits, nor no other place whatsoever, have that priviledge or immunitie, to be occasion or pretence to any of us of declining his *Maj.* judgement, in any of the said civil or criminal causes intended, or to be intended against any of us, in time coming; but rather that our offence is the greater, in case any of us commit such crimes in the said Pulpits, (which God forbid) where the Word of God, his Truth and Salvation should be Preached by us unto our flocks. In witness whereof, and of our humble acknowledging of our dutie in the premisses, we have subscribed these presents with our hands, and are content the same be registrat in the Bookes of our Sovereignes Secret Council *in futuram rei memoriam.*

Reasons
against the
subscrib-
ing.

The reasons current at that time against the subscribing of the Band, were these following. 1. In the Kings Confession of Faith, which all Ministers have not only subscribed themselves; but also are bound to cause their flocks subscribe, the Kings Authoritie is confessed and acknowledged. Therefore it is superfluous to crave any subscription. 2. The Enemies at this time are lying in wait, readie at all occasions to cut the throat, not only of Ministers and Professors, but also of Religion it self. Therefore the urging of such subscriptions is untimous and suspicious. 3. This craving of subscription would import an undutiful imparing, or denial of his *Highness* Authoritie by the Ministers, in times by past. 4. The loving care and fidelitie of his *Maj.* preservation, and acknowledging his Authoritie, has been such, since his infancie, that not only they in their own persons have behaved themselves as obedient Subjects; but also, next to the glorie of God, have procured earnestly, that his subjects of all degrees, & ranks whatsoever, should yield to his *Maj.* dutiful obedience, as his *Highness* has often confessed in privat and publick; and which the very Enemie cannot deny. 5. If the Gospel, which they professe, and calling of the holy Ministrie, which bindeth them, not only in their own persons to be subject to his *Highness* Authoritie, but also to require the same of the people by the Word, which they preach, and Discipline, which they exerce, be not sufficient to assure his *Maj.* of their dutiful obedience, what band can knit them? 6. All new forms in time of danger, namely proceeding from the Favourers of the Enemies, namely such as this present is, have ever been by the prudent and wise holden suspicious. 7. There is no dutiful and lawful obedience, but his *Maj.* may exact it of them by the Word of God, and Lawes of the Realme, and justly punish them, if they refuse, or transgresse. Therefore the Band is to be suspected to crave farther, then they are bound by the Word of God, and Lawes of the Countrey. 8. The example of the 1584. year forbiddeth them, unless they would incur the same judgement, which

lighted

lighted upon the Bishop of *St Andrews* and his complices, and blot of the weak Brethren, which were induced to subscribe. 9. This being a matter, which toucheth the whole Kirk, must be considered by a General Assemblie, and either approved, or rejected, before the subscription of any be craved. Otherwayes it seemeth to be devised of purpose by the enemy, to breed and bring-in a Schisme among the Brethren, between the subscribers and non-subscribers. 10. It is contrare to the Word of God, A^{cts} of the General Assemblie, and A^{cts} of Parliament made in favours of the Kirk, anent the spiritual jurisdiction of the same. It maketh the Spiritualitie to be judged Civillie under civil pre- tences: maketh the King in effect head of the Kirk, as he is of the Commonwealth: confoundeth the two jurisdictions, by confounding of causes: restraineth the rebuke of sinne, the mean of repentance. 11. If they should subscribe this band, they should subscribe a plain contradiction to the Declinature subscribed by them before, warranted by the Word of God, good law and reason. It bindeth them to acknowledge the King judge in the first Libel against *Mr Black*, which, as it was conceived, his *Maj.* confessed properly to have appertained to the Ecclesiastical Judicature.

Upon the 27. of *December* a charge was published by Proclamation at the Market Crosse of *Edinburgh*, that all Magistrats, Barones and Gentlemen of power, interrupt Ministers uttering false and treasonable speeches tending to sedition, from Pulpits, in reproach, contempt or disdain of his *Highness*, his Parents or Progenitors, his Council and their proceedings; to put them in sure firmance, till the King and Council were advertised to take farther order; or at least to hinder them from preaching within their bounds or jurisdiction.

Some of the citizens of *Edinburgh*, compearing at *Linlithgow* the twentieth of *December*, were committed to ward; some in *Blackness*; others in the Castle of *Edinburgh*, to be kept till further trial, *videlicet*, *James Dalziel*, *John Johnston* of *Newbie*, *David Johnston* of *Newbie*, *Edward* and *James Cathkin* Brethren, *Andrew Hart*.

The Town of *Edinburgh* was threatned with removal of the Session and all Courts of Justice, for the uproar upon the 17. day of *December*, and to be exposed as a prey, and spoiled by border-men, and a number of Lords with their dependers, convocat to terrifie the Citizens: but after much examination and trial, there could not be found so much as one man guiltie of any conspiracie against either King, or Counsellour: and it was evidently seen, that a false allarum was the occasion of the uproar; and this is sufficient to stop the mouthes of calumniators and traducers, that would lay any such aspersion upon the Ministrie, or alledge it as the fruit of the Presbyterian Government, which then flourished. Yet for farther satisfaction of the Reader, I will here set down *Mr Robert Bruce* his own Apologie for himself and his Collegues, conform to that copie, which was written by *Mr John Spotswoode*, afterward Bishop of *St Andrews*, his own hand: for he would seem so frank in the cause, that he would needs write it with his own hand, & give it a sharper edge.

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A Proclamation
against
Ministers.

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The great
uproar not
grounded
upon any
conspiracie.

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2. Pet. 3. Beware, lest ye be plucked away with the error of the wicked, and fall from your stedfastness. Philem. 22. Through your prayers we trust to be given again to you.

M. R.
Bruce his
Apologie.

The Crosse of *Jesus Christ* is never free of the calumnies of the wicked, and it is Satans craft to sow lies alwayes of the Lords Servants; but specially under their persecutions; that so the holinesse of their cause, for which they suffer, may be obscured, and the glorie of their sufferings may be quite extinguished. This was his dealing with our Lord & Master, in the dayes of humilitie. The Apostles in their time, and the Martyrs in the primitive Kirk, had proof of the same. Wherefore we have not to account it a strange thing, that this way our innocence is traduced, and that, while we suffer for the good cause of God, we are by many condemned as malefactors. In all their reproaches, which I hear to be given out against us, though the testimonie of a good conscience upholdeth us; yet moved by many reasons, I have thought meet to declare by way of Apologie our innocencie, in all their crimes of Treason and Sedition, wherewith we are so falsly charged, and to set down the just and lawful warrants of our present eschewing. Which being considered will satisfie, I am assured, every man, that standeth in doubt in either of these. Such as have set themselves maliciously against us, the good Cause, and the Kirk of God, we remit to that righteous Judge, that shall avenge with power, and ere it be long reward them according to their work. I will first repeat the historie of that broile, as it fell out upon friday the seveneenth of *December*, & by the true narration thereof discover the falshood of these Calumnies, which partly are contained in their proclaimed Libels, and partly are given out by them in their Councils, and other meetings against us. The truth is, that the same day immediatly after Doctrine, certain Noblemen & Barones, at our desire, convened themselves in the East Kirk, where we imparted to them our Estate, and made them privie to our grieves: for we thought it meet to stir their affections after this sort, that with the greater instance they might interceed at his *Maj.* hand, and purchase by their credite that which we could no wayes obtain, by all our doleances, given from time to time. I was chosen mouth in that meeting, and I referre me to all that were present, (and there were many famous men) if my speeches tended to any other scope, save this only. With one consent the Lords *Lindsey* and *Forbes*, the Laids of *Bargenie* and *Blairquhan* were nominated, and I by the Brethren was desired to go with them, and propone the matter to his *Maj.* We were of minde to have gone down to the Abbay, but hearing his *Maj.* was in the Tolbooth, We turned our course that way. We found his *Maj.* in the Upper House, and spake to him in thir termes, so near as I can remember. *Sir*, said I, the Barones, Brethren and Gentlemen, apprehending the danger to Religion, in this dealing against the Ministrie and true Professors thereof, have directed some of their number to your *Maj.* What danger see ye? said the King. Under communing, said I, our best affected people, that tender Gods glorie and Religion most, are charged off the Town. The Ladie *Huntlie*, wife to the Apostat, is intertained at Court; and we have great suspicions, that her Husband is not far off. All these indicat our dangers. What have ye to do with that? said his *Maj.* and with this he departeth, pressed, as it appeared unto us, by the President, and others about him. So we did communicat our answer to the Brethren in this

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sort. We went to his *Maj.* as ye desired, but were not well accepted, nor yet our grieves received. And so ye have to consider, what is next to be done. It was thought meet to reserve the grieves to a better time, and in the mean while, to knit up a Covenant with the Lord to stand to our Profession, and to the defence of the good cause to our last breath. Thereunto all agreed, testifying the same by holding up of their hands. There was a great applauding of all the multitude, that was in the Kirk hereto. But I besought them to be silent, and to behave themselves quietly, for the regard they had to the good cause. They kept peace, and while we are proceeding, a cry cometh off the streets with these words, *save your selves, there is a tumult in the gate.* There goeth another cry through the street, *Armour, armour.* The people marveling what the matter might be, leap to the gate, thinking there had been a fight among parties. The great number of honest Burgeses, being in their houses, sent to enquire the manner. They hear that we are invaded, and the cry went, that the Ministers are slaine: whereupon they run out in haste with their armes. The Barones and Gentlemen, which were in the Kirk, got up, & did me the courtesie to put me in my lodging, and then they retreated to their own, being minded, after they should know what the matter meant, to return to the Kirkyard: for they also feared our invasion. I remained a while in my house. Some of my Brethren passe to the streets to behold the manner, and incontinent returned. They sent for me: and by this were the Barones and Gentlemen come back to the Kirkyard. They shew, that there was among the people a great disorder: that it was a false allarum; for no man could perceive the cause of the fray. We lamented it heavily, and sent for some of the Magistrats, requiring them to pacifie the people, as they promised to do. The Earle of *Marr* & some with him come from his *Maj.* with very fair & gracious speeches, as we could have wished. After which we go to the East Kirk, & being quietly set, we direct the same Commissioners for the most part, that went before, to shew his *Maj.* that the tumult grieved us very sore, and to beseech him for some substantiall remedie to all thir evils. His *Maj.* accepted our desire in very good part, & willeth us to propone our petitions in writ to the Council afternoon, promiset a reasonable answer to them all; & farther to certifie us all of his *Maj.* affection to Religion, & Preachers thereof. The Lord *Colonel*; the Lairds of *Traquair* and *Cesfurd* are sent from his *Maj.* who put us in expectation, that all matters should be fully pacified. Then we dissolve with a singular content in heart, giving publick thanks to our God, who by his providence had so well disposed of all things that day, as no man had received any harme; and the people had so quietly, at the voice of the Magistrats, retreated to their houses. This is the true historie of all that which past among us that forenoon. Many beheld it, and if I have feigned anything, I might be called an impudent man. Let the Libel published against us be examined, according to this, and ye shall perceive it patched with a number of untruthes. It confoundeth these things that in themselves are disjoined in place, person and time: for the tumult was long after the meeting of the Barones. The tumult was in the street; the meeting was in the East Kirk. The meeting of Lords and Barones in a small number; the tumult was of the mean people in a great number. To say the tumult was the birth of the meeting, I cannot see in what probabilitie it can be affirmed. For the first meeting was lawful, vvarranted by the Word of God, and by the Lawes of the Realmes

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and such a meeting as we had been in use of, all times before, specially these last moneths: for every day almost we had our meetings; and sometimes more Gentlemen with us, as that day by occasion there was a greater concourse of Noblemen, then had been at any time before. Neither may they alledge a discharge of these meetings by that Proclamation, which was published the 27. of November last; seeing we have our Conventions established by Act of Parliament in the year 1592. from which no Proclamation of Privie Council can derogate. Next, we have for this his *Maj.* Commission by the advice of his Estates, given to certain of the Ministrie, in all the parts of the Countrey, for calling and convening with them, Earles, Lords, Barons, Freeholders, Gentlemen, Inhabitants of Burrowes, and others his Lieges whatsomever, at whatsoever places and dayes they should think expedient, and to require the Confession of their Faith, their Oaths and Subscriptions thereto, and to the general Band, which was devised for the maintenance of true Religion; with a sufficient warrant to them; to convene to that effect. Which Commission his *Maj.* and Estates ordained to be but in print, as the same was done; and yet is extant, and undischarged. Farther, the Proclamation of November last, was interpreted by another Edict of declaring, that the same extended no farther, then to the unlawful Convocation of his *Maj.* Lieges in Armes. So then the first meeting is necessarily good; and a cause that is necessarily good cannot worke an evil effect. If the tumult be the effect of this cause, it must be good: or if it be evil, as it appeareth to be, they must derive it from another fountain. Surely it is against all reason, to make a connexion of wicked events with good and honest beginnings; and so to do, has been alwayes damned by all good Lawes and Constitutions. I remember *Bald.* in *Concil.* cccix. citeth these Lawes, *Si mulier ff. § l. ix. ff. vi bonor. rapt. § per illa jura scribit, Si aliqui justo modo se congregaverunt; licet ex tali congregatione sequatur postea malum; non tenentur, qui eos congregaverunt: quia satis est quod initium fuerit licitum & ob bonam causam.* That is, If there be any persons that have lawfully convened themselves; howbeit an evil fact fall out upon their gathering; yet they are not to be counted guilty that convened: because it is sufficient to them, that the beginning was lawfull, and upon a reasonable cause. I am led, as ye see, to expone the cause of our meetings, and to lay forth our grieves to the view of all good men; which I hear our Enemies do laugh at, esteeming there is no such danger, as we affirme to be. Therefore consider what a greater decay is threatened to Religion, by the Apostat Lords their peaceable coming to the Countrey, although faulted by the Lawes for their odious Treason against their Native Countrey, Prince and Religion: Yet offers and conditions are made to them, easier then they could have wished. The Ladie *Huntlie*, a professed Papist, is in favour at Court; and all their Favourers are in chief credite at the same. During their absence, they were known to traffick with *Pope* and *Spaniard*, for supplie of men and money: and promise of supplie was made to them, how soon they should return to their Countrey. All this was made manifest to his *Maj.* & Council, by the letters intercepted at *Marsils*, sent from *Rome* by the Ambassadors of *Spaine* to their Master, the double whereof was sent home by *Colonel Murray* this last Summer to his *Maj.* Yet no regard was had to the said intelligences, howbeit the same contained the plot of the Enemy for the subversion of Religion, the surprize of the whole Countrey, by the possession

of all the ports between *St. Andrews* and *Stirling*, and the destruction of his *Maj.* Person. These perils have been concealed from the Estates, not revealed in a lawful Convention, nor order taken for the withstanding thereof: but Conventions have been kept in their favour, and licence given them to remain; whereby they have been emboldned to a continual negotiation since, and have made leagues and bands, and joined to themselves many associates. And where it had been necessary to have pursued them with all rigour, and their cautioners, for coming in the Countrey without licence; in place thereof a cruel pursuit has been devised against some Brethren of the Ministrie, for certain speeches uttered by them in Pulpit, three or four years since; purposely to draw the jurisdiction of the Kirk in question, to stop the mouths of Pastors from the free rebuke of sinne, in all persons indifferently, that the said Traitors might have the better access to his *Maj.* and under a colour of their peace, practise their treasonable attempts, premeditated and concluded long of before. For this have the Commissioners of the General Assemblie been discharged to convene themselves in any sort. Proclamations have been given out, slanderous to the Ministrie, and hurtful to the Liberties of the Gospel; and the more we complained, the worse we were received: that he is blind, that seeth not the causes of our grief more then necessary to be insisted upon. This is for the *first* point of the Libel.

They affirm *next*, that we were hounders-out, the personal assisters, and applauders of the tumult. If we were the hounders-out; then I ask, who were the stayers? Who restrained the furie? For the most part of the Magistrats say, they were inclined to us. So we behoved either to be the quenchers of this flame, or there were none to quench it. And to say, that we were the personal assisters; is not that a vile calumnie? Did I go out of the Kirk or Kirkyard? Had I any sort of armour? Did not the Brethren, that went to the gate, go in their gownes? and tended not all their speeches to ends quite contrarie; namely to the quieting of the commotion? This is so well known, as the enemy may not deny it, be he never so malicious. Nay, certainly there was nothing more against our hearts; for we saw well the advantage, that the enemy would take by it, to obscure the holiness of our cause, and to irritate the Prince against us. So all our care was to pacify the tumult. We report us to the Commissioners, that came from his *Maj.* namely the Provost of *Edinburgh*, the Laird of *Traquair*, the Lord *Colonel*, the Laird of *Cesfurd* and my Lord *Uchiltrie*, if all our answers tended not to have his *Maj.* satisfied.

Thirdly, are not they ashamed to say, that our drift was to offer violence to his *Maj.* I leave that as an absurd blasphemie, unworthie to be answered: and I say in uprightness of heart, I had rather have quite my natural Soil for ever, ere a drop of the blood of any of these Counsellours (how great soever their malice be against us) had been drawn that day: for we know well, it should have been laid upon us alwayes; but praised be our God that provided other wayes. We sang this song the Sabbathday after, and this song we sing yet: for it becomes us to resemble the sheep and lambs of our Masters leazure. Let the wolves and dogs, which are without his sheep-coat, keep their natural, and satiate their lust, as they are wont to do. As for us, the Lord will provide in mercie. I speak the truth, I lie not; the Lord beareth record to my conscience, that in sinceritie of heart I walked that day, alwayes studying to have things,

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upon whatsoever conditions, pacified: For I liked no way that form of proceeding. And therefore I appeal the devisers, penners and allowers of that detestable libel, before the high tribunal, where no doubling shall be, and forging shall not be accepted. And O Lord, raise thou in their hearts a tribunal, cite and accuse them by their own Consciences, that in the light thereof, they may see their iniquitie; and in the force and furie thereof they may feel the grief, the shame, the just torment, that useth to follow such lying detractions. If our intention was such as they have libelled, then let this working light on us. But if we be unjustly traduced, of thy mercie, and for thy glories sake, cleare our cause, as we confide greatly thou wilt.

Now we hear, that a Letter of ours, directed to the Lord *Hammiltoun*, & presented by him to his *Maj.* is much aggraidged. If it be ours, our subscriptions will bear it. If it be a copie, it must agree with the original, or else we are not to answer to it. If it be such a copie as we have seen, we protest it is altered so far, that our sense and meaning riseth not so clearly from it, as from the original. In our Letter, we craved no other thing, but that he with the rest of the Barones, as a chief Nobleman and Peer of the Realme, would interceed, and imploy his credite at his *Maj.* hands, to see, if it were possible, the Kirk restored to the libertie and freedom she wont to have. If our Letter had fallen in the hands of benigne interpreters, we needed not to have feared the misconstruction of it. But what is so well spoken, that may not be thrwn and perverted to a wrong sense. Of all the fooles in the world we had been the first, if we had meant, as I hear it is taken, to set him in a chair for anent his *Maj.* We were better acquainted with his weakness and facilitie then so: And surely, we had made an evil change. We promise you, if they file us in this point, they file most innocent men: for it came never so much as in our minde; and shall never come, by Gods grace. We knew before his other imperfections; but now we have proof of his malice: And I think, he that has dealt so untruely with the servants of God, shall never be true to any. I say farther, could we desire him to any other end, then we did the Barones? We desired them to interceed only, as they will testifie themselves. So we craved no more of him but mediation. If there was any fault in that Letter, it was in that, that I had framed my pen to his ambitious humour: And yet I trust, I past not my bounds. Neither wrote I to him any Letter this long time before; and I had not written this, if some Brethren, resident at his own Kirks, had not shewed me, that he took in evil part, that he was so overseen and neglected. They desired to put him to a proof; and such a proof as this is, will serve for our time. For my self, it is well known, I neither spoke nor wrote to him these two years: For he hounded-out his man, the Parson of *Crawford-john*, to seek my living indirectly; and after he saw, he could not have it without my advice, he moved the Parson to stir up some Brethren of the Ministrie against me; and came in person, & stood up, in the last General Assemblie, holden at *Montrose*, and opposed himself by word and writ against me. Since I craved no favour of his Lordship, and hoped for Little; neither has he disappointed me of my expectation that way. Then wherefrom, I pray, should this mutation proceed so suddenly, to set him up so high. Surely, before *Huntlie* came home, I am of the opinion, that no man in my calling was farther in his *Maj.* affection, then I: and I am perswaded, if the Papists had not returned, I had continued so.

And

And what has been my part to his *Maj.* at all times in privat and publick, I report me to her *Maj.* She can testifie what was my care and solicitude for him. But this Letter, say they, has discovered me to be an hypocrite. None will say so, who has any right sense. But I fear a short time shall discover us both; & alas, I fear, with over great a losse: Yea with an irreparable losse. Alas! that he should be so far blinded to tramp so foullie on Gods glorie and us. The Lord mitigat his judgements towards him, which this doing portends.

This far for clearing my innocencie, and to vindicat my Ministrie from those sinnes and mists, whereby they seek to obscure the puritie thereof; wishing all the faithful to think charitablie of us, & to pitie the case of the Gospel, and to pray with us for a new reedifying of the Spiritual Work, which is so far overthrown in this Countrey.

I go to the warrants of our flight, whereanent I will labour to be short: For I think no man will controvert upon this, that it is lawful to flee in time of persecution. Our Master giveth us our warrant in the 10 of *Matth.* *When they persecute you in one citie, flee unto another.* In the 9. of the *Acts* the Disciples laboured for *Paul's* escape at *Damascus*, while he was pursued and sought for by *Aretas*. The fathers in the primitive Kirk (as *Athanasius*, *Chrysostom* and *Polycarp*, who was after a martyr, their doings prove) did esteem the same to be Lawful. Neither is flight alwayes an argument of fear and lack of courage, The greek proverb *ὁ δειδὼς πολεῖ καλῶς πολεῖται*, He that fleeth will fight again, requireth a wise foresight in men, and forbids fool-hardiness. It is natural to fear death, and provide for life: And to be prodigal of the life that God hath given, I see it no where allowed. I count him prodigal of his life, that lawfully may eschew a peril, & hath the means offered him for eschewing, yet he neglecteth it. And I call that a lawfull eschevving, vvhich agreeth vvith the state of our calling, and fighteth not vvith the Glorie of God, the principall end of all our actions. Novv vvho knowveth not, that the Glorie of God is sometime advanced more by the saving of his servants from his enemies furie, then by their exposing to the same. Our Master's many escapings before the appointed time; and in the first persecution of the Kirk, the faithful their vvithdrawing of themselves to solitarie places, make this manifest. And it maketh for the vvell of the flock, that the Pastor in dangerous times even hide himself: For vvhile he liveth, there is hope, that the wolves may be scarred by one mean or other. Neither is the Pastor to be counted *desertor gregis*, *qui deseritur a grege*. Then if I show, that in our present flight, we have all the causes and respects foresaid, warrants upon every one of them, not supposed, but undoubtedly true, I think ye shall be satisfied in this point. So I have *first*, to qualifie our persecution; & *next*, to give you the reason of our choice. For proof of the persecution, I alledge their Proclamations set forth against the Ministrie these moneths last, wherein are contained a number of slanders, and unfamous reproaches, laid to the Preachers of the word. As thereby also have our meetings been discharged, & all assistance to be given us by Barones, or others whatsoever, have been forbidden. I may alledge their mocks & scoffing speeches, uttered against the Ministrie in their Councils, & other places, where it is marvel to think how we are traduced. Surely in this they go beyond *Ishmael*. I bring *thirdly* the preparative, past in the servant of God *Mr David Black*, who was challenged in a matter of

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Doctrin upon a spiritual subject. And howbeit he lawfully declined, & in every point cleared himself sufficiently against that libel in forme, as it was libelled; yet they found themselves judges, proceeded to his conviction, and commanded him to ward. Now I reason, if they used him after such a sort in a Spiritual Subject, in a matter of Doctrin, in a challenge so well cleared; what should we have looked for, being charged upon a criminal point, so highly aggraiged, that carrieth with it so many appearances in the eyes of evil affected men. And shall I omit that ridiculous interloquutor, whereby the Council usurpes the judgement of Doctrin. & Application thereof; by which our Office in effect is discharged. *Fourthly*, the prejudice, made us in their proclamation on saturday, the eighteenth of *December*, manifested their cruel intention to us ward, wherein they condemne us as raisers of the tumult; though neither heard, nor brought to our answer. *Fifthly*, consider the manner of their charges. They command our flocks to apprehend us, which was to use us as open malefactors. No man can take it otherways. They make the place of our ward the Castle of *Edinburgh*, which to me was a suspicious ward, as all men know. When this failed, they charged us openly at the market Crosse, to compear within three dayes after, to answer for the treasonable attempt against his *Maj.* And before what judges? Even those that had shewed themselves our enemies ever since the beginning of thir troubles, and had broken the appointment, which was once fully agreed betwixt his *Maj.* and us. I will not blame all the Council; For some of them, I doubt not, carrie an honest heart to the good Cause, his *Maj.* and Commonwealth: And others among them desire quietness, and peace to the Kirk for the surety of their own Estates. I will not blame these neither, lest I appear too sharp a censurer. But these I mean, that now bear chiefe sway, and are in greatest credite, who are known to have a course direct against Religion, and for this have pressed to cast down all our Discipline, & are begun to treat the Ministers of the Gospel very hardly. Is it meet, or was it meet, that we should accept these men to be our judges? *Lastly*, on this point I enquire, if this be not *Julians* persecution, to discharge the stipends of the Ministrie, except they subscribe a band, devised by them for intrapping all the teachers, one by one, as they see time? Then it is manifest, there is a persecution. For our choice I alledge *first*, the testimonie of conscience, which assureth us, that we have done the best for the time. God is our witness, we had only a respect to his Glorie, and well of the cause, as feeble nature would suffer. What care vve had also of our Flock, vve remit to their ovpn testimonie. They know, vve would not have forsaken them even to the laying down of our lives for them, if they would have stood for themselves, and for our just defence. But they conceived, as we saw, a hazard to themselves by our remaining. They had condescended to offer us to the enemies furie, and grew so faint-hearted, that I may complain, we were forsaken of that people, and evil dealt with by those, for whom we have oftentimes stood before the Lord. I will construe the best alwayes of the greatest number of them. But I pray the Lord from my heart, to avert his wrath from that Citie, which I fear. We have with this the advice of the Commissioners of the General Assemblie, together with the advice of our Brethren of the Presbyterie, approving our choice: For they saw our out-being might serve much more to the weal of the cause, then our remaining. If we

had

had escaped their crueltie, as some hope there was (and for my own part, I never feared my life:) yet I looked, that none of us should have escaped a long and dwining imprisonment, without a manifest hazard and craze of conscience. And as for the slander of taking the crime upon us by flight, it was too weak a reason to have stayed us. Our Master was challenged for being an enemy to *Cæsar*; and yet innocent; He withdraweth himself, till the time appointed come. *Paul* is accused for making sedition in *Jerusalem* by his Doctrine: yet he tarrieth not to answer. So our suffering, of whatsoever sort it be, cannot be free of such slanders, and we hold these not to be the least part of our sufferings. But now we hear it is said, and it fleeth in the mouthes of many, that our deed and word agreeth not, our actions and Doctrine are contrarie. In Doctrine we promised to ware our blood: indeed we flee to spare our blood. For answer, we said at no time absolutely, but at all times by Gods grace, we should seal up that truth with our blood. This we said, and when it shall please God to call us to that effect, I doubt nothing but he shall strengthen us to follow his calling. But for the present he calleth us to flee, to reserve our life to a better time. So whether we flee or abide, from him we shall never flee by his grace, and without him we shall never abide. There be few called to the honour of Martyrdom: and as to us, the Lord knoweth, we count our selves most unworthie of it. It may suffice us well to be counted in the number of his witnesses, to give him a testimonie in mean sufferings; nothing doubting but if he call us to that honour, he shall also enable us. That with him we flee at this time, it appeareth many wayes; but namely in the cause, in the just and most urgent cause, that moyeth us thereto. There is no lawful cause of flight, so far as we know, saving only that whereof we have spoken, persecution. This cause in our case is manifest, and in an high degree, as ye have seen. So our flight must be just. Our Master commandeth, if we be persecuted, to flee: now his command craveth readie obedience. It is not our part to dispute, consult and drive time; but to follow, if it were blindlings. Beside this calling in his word, we have his calling to this by his Spirit in our consciences: for our hearts were never so tranquil at home, nor we had never so clear testimonies of his favour, as we have had since. Yea we have his calling also by his Spirit in the Brethren, as I have said, in a writ agreeing thereto. And lastly we have undoubted evidences of his calling in his fatherly providence since, providing receipts, providing sureties, mollifying the hearts of strangers, making all things facile for our Convoy. Now what were we to resist such evidences, or to contemne such warnings. We count it to tempt; yea we may be thought to presume, and to be prodigal of the life, which the Lord would have reserved for his farther service. And the way of presumption is not our way, it is not the high way. The way of fear and trembling is our way. We leave the way of presumption to them that presume on their own strength, and abound in their own senses. He is more then blind, that seeth not the Lord approving our choice dayly, and justifying our flight to the eyes of the blind world: for when the Gentlemen and good Burgesses for our cause, that are not within the compasse of any Law, are so far abused, how far, think ye, should we be abused, if we were in their grips. Suppose they were grieved at us, it was somewhat tolerable: for we spoke in their play, & discovered their drift to the world. But to be grieved at Gentlemen, and such as gave us a

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nights lodging only, we can see no reason, but will and malice. Surely, for our own parts, we are as indifferent to abide, as to go, and as readie for the one as for the other. And if our flock at their pleasure had not persecuted us; & if they in times past had shewed themselves indifferent judges, and not plain enemies; and if our innocencie by this late incident had not been so far obscured; yea I say more, if they had been at themselves, and not so far carried away with preposterous troubled affection, supposing the thing that was not, we durst hardly have committed our selves to their judgements. But seeing them in a furie, and so far blinded therewith, we thought it good to let the blood recoil from their hearts, and suffer them to return to a sounder minde and judgement, before we entered. But I am in great doubt, if ever they shall return: *Nam neque Imperium, neque Philosophia mutat affectus; sed spiritus Domini renovans.* It is true, they have gotten the first tell of us, and have counted us already guiltie: but wrong count is no payment. We live in that hope by Gods grace, the time shall come, wherein we shall be heard before more indifferent Judges; and if that fail us, we appeal to the Great and Righteous Judgement of Him, who shall rescind all wrong Sentences, and make every mans conscience show him the right, either to his well, or to his wo, and that for ever. Where the Spirit of God is, there is libertie. They are only free, whom the Sonne of God maketh free. Blessed is he to whom the Lord imputeth not his sinne. Up heart therefore, converse with him, in him thou art free, in him thou art strong, in him thou art wise. Sever not, but increase thy union, power and affection more and more on him. Grow in love, and love shall make all things easie. The Lord enlarge your heart, and make them capable. Lord poure out thy Spirit, and make them Spiritual, and give thy gift of Perseverance, that we may continue in the end, and to the end. I will conclude (because to you, my Brethren, I chiefly write:) I wish you to remember, that to stand for us is a part of your dutie, by letting our innocencie be known to the faithful; and labour, I beseech you, to keep the good and holy cause, for which we suffer, free of all slander, as possible as may be. It is a time of trial, of gentle, I say, and not fierce trial. Then fye on us, if we shew not the Lords strength in us, and patience in this time, which shall not be long. If the enemies furie be not restrained, we may certainly look for greater crueltie; and if the Lord shall call us to suffer death for his sake, should we not suffer? If he call us to banishment, wherein oftentimes are moe evils then in death, let us imbrace it also. But away with this, that the discharge of our stipends should move us any white to consent to iniquitie. The Lord will provide for all your necessities. Therefore encourage one another, and be strong: for the Lord will trade Satan under your feet shortly. And as to those that have broken the peace of our Church, tramped upon Gods glorie in us, exposed his *Maj.* Person to apparent dangers, let be to the secret wrath of an angry God; & have offered our chief Citie, which in times past was the only terrour of the Enemy, to be a prey: can we think that the Lord sleeps, and sees them not, nor their doings? will he never restore holy *Zion* to her decking and glorious ornaments? yea, he will, & in the sight of men will glorifie himself of the wicked, ere it be long. Now the God of all strength strengthen you, and be with you, to keep you and your Ministrie blameless unto the end: faithful is he who hath called you, who will also do it. Pray for us. I charge you in the Lord, that this

Letter

Letter be read to all the Brethren. The Grace of our Lord Jesus be with you. *Amen.* 1597.

From the place of our sojourning the
4 of *Januar*. 1596. but now 1597.

Your Brother, suffering for the
Gospel *R. Bruce* Preacher
of Christs Evangel.

Mr James Balfour and *Mr William Watson* wrote also an Apologie, which agreeth in substance with this proceeding; & therefore I omit it.

Upon Munday the 13. of *Januar* about five hours at night, *John Ross* Minister came to the Palace of *Halyrudhouse*, and delivered to the Master Porter, standing at the gate of the Palace, letters to be delivered to the King, as directed from a Minister in *Fife*, vexed, as he alledged, for the Kings sake. In this letter he desired the King to consider mens persons, actions and proceedings, and forme of dealing about him, seeking preferment to themselves with losse and hazard to his Crown and Person. That experience hath proven these thirtie two years, that neither Schisme nor Heresie has been in this Kirk. And therefore to alter Religion or Discipline, and to usurp Authoritie to depose Ministers, to charge & discharge them under the pain of horning to teach, or not to teach, is a readie way to set up Poperie, or to bring in Atheisme. That if the Discipline of the Kirk had not been better execute, then the Civil, the Countrey had been casten in a barbarous confusion. He taxeth him for denouncing the four Ministers of *Edinburgh* to the horne, *indicta causa*: for taking upon him to judge upon Ministers Doctrine; to control the Acts of the General Assemblie, to discharge Minister stipends; to forbid Conventions or meetings of Ministers, and sundrie other things. He complaineth, that the Town of *Edinburgh* is prejudged of their ancient Liberties: that a number of Godless men, such as *Sempil*, *Sanquhare*, *Home*, *Hereis*, and the rest of that Band, were convocated to take order with a civil Town, as though there were any man in *Edinburgh*, with whom he might not take order, without the assistance of such men. He saith plainly, if Ministers had been silent, and suffered him to run on in his intended courses, the Crown long ere now had not been on his Head. Many other speeches he hath, which rouch the King, the President, *Mr John Lindsey* Secretar, *Mr James Elphinstoun* and *Mr Thomas Hammiltoun*. After the King had read the letter, he was so enraged, that he could eat no meat that night.

The Session of the Colledge of Justice sitteth in *Leith*, and not at *Perth*, as it was first intended, where they remained two weeks.

The Synod of *Fife*, holden at *Couper* the eight of *Februar*, ordained every Presbyterie to nominat two of the most wise and resolute of their number, to meet at *St Andrews* the 21. day of *Februar*, to conferre and resolve upon solid answers to the questions, now published in print, whereby the whole Discipline and Government of the Kirk was called in doubt; of which ye have mention made before, in the proceedings of the Commissioners of the General Assemblie, both before the 17. day of *December*, and before *Mr David Black's* Declinature, devised, as is reported, by *Mr John Lindsey* Secretar, not upon the occasion of the uproar, which fell forth the seventeenth day of *December*; but before, as I have said, to set Ministers on work to defend Discipline, when they were pursuing the forefaulted and excommunicat *Earles*; which was also the ground of calling *Mr David Black* before the Council.

John
Ross's
Letter con-
veyed to
the King.

The Synod of
Fife.

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The Synod, considering the dangers and inconveniences, which might follow, if the Government of the Kirk, established many years ago by the Lawes of the Countrey, and according to the Word of God, practised peaceable, and accompanied with a rare blessing of sinceritie and concord without error or Schisme, unto this day, should now be called in controverſie, and brought in doubt by reasoning among men, unskilful in the Scriptures and Kirk-affairs, without the advice of the General Asſembly, or any other inferiour Asſembly of the Kirk; namely at ſuch a time, when notorious enemies, after ſo long preparation, are now in readineſſe to accompliſh their intents to her utter overthrow, directed ſix or ſeven of their Brethren to the King, to uſe all the Arguments, which might move his *Maj.* to ſuffer the Asſembly, appointed to be holden at *Perth*, to deſert, or at leaſt to be continued to the time appointed with conſent of his own Commiſſioners, by the laſt General Asſembly, that is, to *April*: to ſhew to his *Maj.* that no Presbyterie hath power to give Commiſſion to any of the Brethren, to call in queſtion or put in doubt the Determinations and Concluſions of the General Asſembly, no more then a particular Burgh may call in queſtion Acts of Parliament.

At this Synod was read the Band, which the King and Council deviſed to be ſubſcribed by all Miniſters, under the pain of loſſe of their ſtipends, which they find in effect to reſcinde the Declinature, ſubſcribed before, at the calling of *Mr David Black* before the King and Council: for vvhiſh cauſe, and for other reaſons, they concluded, it could not be ſubſcribed.

This Synod ſet down the inſtructions following, to be obſerved by the Commiſſioners, who were to be choſen by every Presbyterie, to be ſent to the Convention to be holden at *Perth*.

Fiſt, ye ſhall ſhev, that ye are come for obedience to his *Maj* and not for that ye acknowledge that meeting to be a lawfull General Asſembly, by reaſon it vvvas not appointed by the laſt General Asſembly, nor convoked by the advice of the Commiſſioners of the laſt General Asſembly, as hath been the practice of the Kirk at all times before vvithin this Realme, vvarranted by the Word of God, and lawes of the Countrey.

Item, ye ſhall ſhow, that ye may not condeſcend in any wayes to the reaſoning upon, or putting in queſtion, the matters of the Policie of the Kirk: becauſe the General Asſembly of this Realme, to which ye are ſubject, has determined alreadie the ſame; which determinations ye have alſo ſubſcribed unto; and none may call the ſame in doubt, and put them in reaſoning, but a General Asſembly. Therefore ye ſhall deſire his *Maj.* in all humilitie, for continuation of the reaſoning to the ordinarie General Asſembly, appointed to be holden at *St Andrews* the 26. of *April* next to come.

Item, if no continuation can be obtained, and ye be urged to proceed, ye ſhall proteſt for the Liberties of the Kirk; and, plainly diſſenting, keep your ſelves free of every thing that ſhall be done thereanent.

Item, becauſe the Convention is appointed by his *Maj.* only for the queſtions, ye ſhall not meddle any manner of way with the receiving of *Huntlie*, or other Excommunicats; or any other thing remitted from Synods or Presbyteries, or properly belonging to a General Asſembly.

Item, in caſe the Brethren among themſelves, or his *Maj.* or any of his Council, enter in reaſoning with you, or any of you in privat, that ye hold faſt by theſe general grounds. 1. That the whole external Govern-

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ment of the Kirk must be taken out of the Word of God. 2. That the ordinarie Pastors and Doctors of the Kirk must shew the will of God out of his Word; and that only be followed. 3. That the Pastors and Doctors of the Kirk of Scotland have with long and grave deliberation set down, and constitute the whole external Discipline and Government of the Kirk, according to which it hath been these many years so happily governed and ruled, that no Heresie, Schisme or Dissension hath had place therein to this hour; and that there is none bearing office in the Kirk, who calleth the same in doubt. It would therefore please his *Maj* not to suffer the rare, and most peaceable, and decent constitution thereof to be disturbed by exagitating of fruitless questions; namely at this time, when Papists prels by that mean of Disputation, namely, to brangle and pervert all.

Item, ye shall travel with the Ministers, Barones and Noblemen, that shall happen there to be conveened, that an uniform Supplication may be made and given-in, for restoring of the Ministers of *Edinburgh* & *Mr. David Black* again to their flocks; and behave your selves herein in the fear of God, and love of *Christ* and his Kingdom, faithfully and providently, with all dutiful reverence to the Kings *Maj*.

The Presbyterie of *Edinburgh* limited likewise their Commissioners, inhibited them to proceed in reasoning, voting, or concluding any thing, which may be prejudicial to the constitution of the General Assemblie, anent matters concerning the Policie and external Government of the Kirk. The instructions given to their Commissioners were coincident with the instructions of the Synod of *Fife*.

The King declared what was his intention, in moving so many questions anent the Discipline, in the Preface to the Reader before the printed questions, the tenor whereof followeth.

To the Reader.

For as much as it is one of the Principal points of the Office of a Christian King, to see God rightly honoured in his land; for effectuating whereof it is necessary, that the Spiritual Office-bearers in the Kirk not only teach sound Doctrine, concerning the points of Salvation, but also observe such a comely order in the Spiritual Policie (agreeing with the Word of God, the lovable custome of the primitive Kirk, and with the Lawes of the Countrey, and Nature of the people, for repressing the vices, whereunto they are chiefly inclined), as best may serve to establish and maintain the puritie of Religion: Therefore it becomes every Christian King, as fathers and nourishers of the Kirk within their Dominions, and avengers of the breaches of both the tables, to strengthen and assist, by the concurrence of the civil sword, the said Spiritual office-bearers, in the due execution of their calling: and on the other part to compel them to exercise faithfully their office, according to the rule prescribed to them by the Word of God, not suffering them to transgresse the limits thereof in any sort. We therefore, having had due consideration hereof, and perceiving not only a great libertie used in application of the Doctrine within our Countrey, without any clear warrant of the Scripture, as yet alledged for proving of the same; as also a great obscuritie in diverse points of Discipline and Policie of the Kirk, novelties dayly creeping in; the lawful authorities and warrants thereof not being as yet made manifest, have thought comely, following the lovable example of the Christian Empe-

Commis-
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The Kings
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ours of the primitive Kirk, to convene and assemble a National Council, as well of the Ministrie, as of our Estates, and of all sorts of men of deepest learning and greatest sinceritie in Religion, to be holden, and to begin to sit, in our Burgh of *Perth*, the last of *Februar* next to come, gravely to treat, reason, consult and determine (according to the Word of God as the only rule) upon the clearing and distinguishing of the Spiritual Jurisdiction, as well in application of Doctrine, as in the whole Policie and Government of the House of God. And to the effect that all men may come the better prepared to the said Convention, being duely forwarned, and advised with the matters, that are then to be treated on, we have thought good to set down certain Articles in form of questions, as hereafter followeth; taking God the searcher of all hearts to record; that our intention in this is no wayes to trouble the rest and peace of the Kirk by thornie questions, or to claime any tyrannical or unlawful Government over the same; but only to see all such troublesome questions solved at this time, which, if they still remained in doubt, might either in our time, or in the time of our Successours, breed slanderous debates: & that the Policie of the Kirk be so cleared, as all corruptions may be weeded out of the same, and none suffered hereafter to creep in; that thereby the Glorie of God may be advanced, all grounds of farther questions betwixt us, and the Ministrie, might be removed; and a pleasant harmonie, and mutual concurrence between us, may be established, to the great comfort of all good men, and terror of the wicked.

Upon the 21. of *Februar*. the Brethren appointed out of every Presbyterie of the Synod of *Fife*; convene at *St Andrews*: where after tossing of the Kings Questions sundrie dayes, they resolved on these answers:

The Questions, proponed by the King to be resolved, at the Convention of Estates and General Assemblie, appointed to be holden at the Burgh of Perth the last of Februar 1596. after the new calculation 1597.

Answer. 1. Timoth. 6.

If any man teach other wayes (videlicet, than the Apostles have taught, concerning the Government of the House of God, which is the Kirk) and consents not to the wholesome Words of the Lord Jesus Christ, and to the Doctrine which is according to Godlines, he is puffed up, and knowveth nothing; but dotteth about questions, and striveth for words, whereof cometh envie, strife, railing, evil surmising, vain disputation of men of corrupt mindes, and destitute of the truth, who think that gain is Godlines; from such separat thy self.

Quest. 1.

May not the matters of the external gubernation of the Kirk be disputed salva fide & Relligione?

Answer.

They may not: 1. The Government of the Kirk being already established and constituted, upon the grounds of the Word of God, by Lawes of the Countrey, and more then thirty years possession: 2. And namely at such a time, when the Papists are ready bent to shake, and overthrow the Kirk and Gospel. 3. When that uniformal conformitie is sought by our neighbours, Enemies to the Discipline, the Bishops of

England

England. 4. In so dissolute an estate of a lawless and justiceless people. 5. When no edification, but destruction and breeding of schisme, and dissension within the bowels of the Kirk, may arise thereof. 6. When none of the Pastors or Doctors of the Kirk doubteth thereanent. 7. Let the King and Councel consider, how intolerable they would think it, to cast in doubt the fundamental Lawes of the Kingdom, and Acts of Parliament; or if any man would put in arbitrement his undoubted possession, leaning upon a Law and Decreet, and Right unreduced.

Is it the King severally, or Pastors severally; or both conjunctly, that should establish the Acts, anent the external Government of the Kirk: or what is the form of their conjunction to make Lawes?

All the Acts of the Kirk should be established by the Word of God, contained in holy Scripture, the ordinar interpreters whereof are the Pastors and Doctors of the Kirk; the extraordinary, in time of corruption of the whole estate of the Kirk, are Prophets, and such as God endues with extraordinarie gifts. Kings and Princes ought by their civil Authoritie to ratifie and approve that by their Lawes, and vindicat by their civil sanctions, which they declare to be Gods will out of his word.

Is not the consent of the most part of the Flock, & also of the Patron, necessary in electing Pastors?

The election of Pastors should be made by those, who are Pastors and Doctors lawfully called, and who can try the gifts necessarily belonging to Pastors by the Word of God: And to such as are so chosen, the Flock and Patron should give their consent and protection.

Is it Lawful for the Pastor to leave his Flock against their wils, albeit he have the consent of the Presbyterie: and for what causes should the Presbyterie consent thereto?

When the Flock will fear and obey men more then God, and not keep their faithful Pastors from wrong, and dint of deadly malice & violence, in such a case the Pastors by consent of their Presbyteries may leave their Flocks.

Is it Lawful for a Minister to use farther application, nor that which may edifie his own Flock: or is the whole world the Flock of every particular Pastor?

A Minister may declare and apply the Word of God throughout the whole Scripture, and his works wrought throughout the whole world, for the Glorie of God, and edification of his Particular Flock.

Is he a Lawful Pastor, who wanteth impositionem manuum?

Imposition or laying-on of hands, is not essential and necessary, but ceremonial & indifferent, in admission of a Pastor.

Is it Lawful to Pastors, to expresse Particular mens names, Counsellours or Magistrats, in pulpit, or so vively to describe them, that the people may understand by whom they mean, without notorious declared vices, & privat admonitions preceeding?

The Canon of the Apostle is clear, *they that sinne publickly, rebuke publickly, that the rest may fear*; and so much the more, if the publick sinne be in a publick Person, bearing publick Office and charge; which not being corrected might indanger the publick Estate. Neither can any sore be healed, unlesse the plaister be particularly applied to the Person and place of his sore: otherwayes he doth nothing of the Pastoral dutie aright. And such, as find fault therewith, think more evil to be called vitious, nor to be vitious indeed; and like fooles and

bairnes,

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Quest. 2.

Ans.

Quest. 3.

Ans.

Quest. 4.

Ans.

Quest. 5.

Ans.

Quest. 6.

Ans.

Quest. 7.

Ans.

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Quest. 8.

bairnes, choose rather to die in their disease, then to abide the cure.
For which vices should admonitions, and reprovings of Magistrates, passe publickly from pulpit, in their absence, or presence respective?

Anf.

For all publick vices against the first and second table of the Law of God, and that in all Congregations: Because all have interest in their King and superior Magistrates. Therefore all should know their danger, and pray for them.

Quest. 9.

Is the application of Doctrine in pulpits lawful, which is founded upon Informations, Bruits and Rumors, Suspensions, Conditions, if this be and that be, probabilities, likeness or unlikeliness in things to come in civil matters; which all may be false, and consequently the Doctrine following thereupon: or should all application be upon the veritie of known and notorious vices?

Anf.

There is no bruted vice or corruption but may fall in the Person and Offices of men, & commonly the same is much worse then the bruit. Therefore though this were, there were no great peril of one speaking Truth therein. Albeit there neither has been, nor is any application used, but against too notorious veritie of vices.

Quest. 10.

Is the text, which is read in the pulpit, the ground whereupon all the Doctrine should be builded: or may all things be spoken upon all texts, so that the reading thereof is but a ceremonie?

Anf.

The Apostle to Timothy Epist. 2. Chap. 3. answers clearly, that there is no Scripture, which is not so rightly inspired by God, that it is profitable for Doctrine, Refutation, Correction, Admonition; yea even to make the man of God perfect to every good work. And to the Romans, whatsoever is written is for our instruction and consolation.

Quest. 11.

May a simple Pastor exercise any jurisdiction, without consent of the most part of his particular Session?

Anf.

He may, with consent of the best part.

Quest. 12.

Is not his Session judge to his Doctrine?

Anf.

The Word of God, and exponents thereof, the Pastors & Doctors are only judges to his Doctrine. *The Spirit of the Prophets is subject to the Prophets. 1 Cor. 14.*

Quest. 13.

Should not the Moderator of the Session be chosen yearly of any who has vote therein.

Anf.

The chief burden of Moderation over the whole Flock lyeth on the Pastor or Pastors; and because of the Message, Gift, Office, and Commission by the word, which he beares, the Elders and Deacons must be Moderated by him also.

Quest. 14.

May the Session be lawfully elected by Ministers only, without consent of the whole Congregation?

Anf.

Not: for the Ministers direct and moderate the election by the word, & the Congregation obeyeth, and giveth their consent thereto.

Quest. 15.

Why should not Elders and Deacons of each particular Session be elected ad vitam?

Anf.

They are elected *ad vitam*, except just causes of deprivation intervene. But because the Kirk living is so sacrilegiously spoiled, which should sustain them, they may not every year leave their occupations, and attend on that Office: And therefore of a number lawfully elected successively, some releave others; yet all abide Kirk-Officers, & this is of necessitie till the Kirk get her own living.

How many Presbyteries are meet to be in the whole Countrey, in what places, and how many Pastors of Kirks in each Presbyteries?

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Quest. 16.
Ans.

Plant the Kirks of the Countrey throughout well, and the Kirk with Pastors and Doctors, and this question will be soon solved. But if this forme of doing hold on, there will be fewer ere they be more.

Should not the Elders and Deacons of each Particular Session, have vote in the presbyteries, or the Pastors only?

Quest. 17.

Elders also, having Commission from their Session, in matters of manners; like as also Deacons in the poores affairs, and patrimonie of the Kirk.

Ans.

What are the matters of the jurisdiction of the Presbyterie, which may not be treated in particular Sessions?

Quest. 18.

The book of the Policie of the Kirk of Scotland, set down by the General Assembly, and first Act of the Parliament holden at Edinburgh anno 1592. answereth hereunto sufficiently, and to many of all the questions: and therefore they would never have been proponed, if the old affection had remained toward the Kirk.

Ans.

What form of processe in libelling and citation, termes & diets, probation and pronouncing of the sentence, should be used before the said particular Session, and Presbyterie respective?

Quest. 19.

Forme summar, equitable, grave and spiritual, as best may serve for the end of their dealing, to winne soules from Satan and the shares of sinne to God, by true Repentance, and purging and preserving of the Kirk from slander, and danger of corrupt and pernicious members respective.

Ans.

What matters should the Synod treat, which may not be decided by Presbyteries?

Quest. 20.

The answer of the Eighteenth answereth to this.

Should not all, who have vote in the Presbyteries, & also in particular Sessions, have vote in the Synodal Assemblies?

Ans.
quest. 21.

The Pastors, Doctors and such as have Commission from particular Sessions of Congregations, have vote, except in matters of Doctrine, wherein only they that labour in the word may vote, and judge.

Ans.

Should every Universitie, or every Colledge, or every Master or Regent within every Colledge, have vote in the Presbyteries or Synods in Townes or Countreys, where they are; and siclike what form of vote should they have, in the General Assemblie?

quest. 22.

Doctors and Professors of Theologie, and ordinar Instructors of the youth in the grounds of Religion, should vote. The *First*, because they are ordinar Office-bearers within the Kirk. The *Second*, being lawfully called to be Sympresbyters.

Ans.

Is it leesome to convocat the General Assemblie, without his Maj. licence, he being pius et Christianus Magistratus?

quest. 23.

If he be *pius* and *Christianus*, he will alwayes allow, and protect the Assemblies of the Office-bearers of the Kirk, for governing the same, who have their offices and warrant of convening for discharge thereof, not of any earthly or mortal King, but of *Christ Jesus*, whom the Father has anointed King on his holy mountain: And therefore may convene, in his name, and should, whensoever they see the weal of the Kirk, and doing of their Office, to require the same.

Ans.

Is it necessary, that the General Assemblie be ordinare, or that it be

Quest. 24.

1597. *only extraordinarily conveened for weightie causes concerning the weal of the Kirk?*

Anf. The necessitie has been, is now, and yet like to be in this Land, so great, that both the one and the other is needful: the ordinarie for the ordinarie causes contained in the Book of Discipline: the extraordinary for preventing of dangers, & *prorenata*.

Quest. 25. *Have not all men of good learning and Religion vote in the General Assemblie?*

Anf. None may vote, but such as have lawful calling, *videlicet*, Commissioners from Synods and Presbyteries: yet all the Godly and Faithful may assist, hear or speak, in grave, orderly and comely manner, with leave asked and given by the Moderator.

Quest. 26. *Is each particular Pastor obliged to repair to the General Assemblie; or is it sufficient, that only Commissioners come from each particular Session, Presbyterie or Synod?*

Anf. Commissioners are sufficient for voting; but the whole faithful for assistance, if they please, and if need require.

Quest. 27. *Who should choose the Commissioners to come from each shire, to vote in the General Assemblie?*

Anf. The Provincial Synods.

Quest. 28. *What is the number of voters, necessary to the lawfulness of a General Assemblie; and how many of the whole number should be Pastors, & how many other men?*

Anf. A certain number in every Province, and fewer or more, as the matters treated on crave.

Quest. 29. *May any thing be acted in the Assemblie, to which his Maj. consenteth not.*

Anf. The King should consent to, and by lawes approve, all that by the Word of God is concluded in the Assemblies; and the Acts thereof have sufficient authoritie from Christ, who has promised, that whatsoever two or three, conveened in his name, shall agree upon in earth, shall be ratified in the heavens; the like whereof no King nor Prince hath; and so the acts and constitutions of the Kirk, are of greater authoritie, then any King earthly can give; yea even such as should command and over-rule Kings, whose greatest honour is to be members, Nursing-fathers and Servants to this King Christ Jesus, and his House and Queen, the Kirk.

Quest. 30. *Is it not expedient, that the two parts of those, who have jus suffragij, should consent to any thing decerned in ecclesiastical judgement, that matters passe not by a vote more or lesse?*

Anf. We have to thank God alwayes for that spirit of unitie in judgement, which hath accompanied our Assemblies to this hour, in such sort that nothing of importance ever past, till all were fully resolved, & in one voice voted thereunto, namely in the whole points of Discipline. God grant, that these questions, and this Court-dealing breed not contradiction.

Quest. 31. *Hath not each judgement, inferiour to the General Assemblie, a territorie limited, without which they have no power of citation or jurisdiction?*

Anf. They have, but in such sort, that if other persons commit slanderous crimes within their bounds, they may proceed against them there until they satisfie, or remove the slander from the part, wherein they have committed the crimes: & where this citation is requisite, the Assembly, within whose bounds the person is resident, cites him, & causes him to compear. But *contra hostem communem & publicum* it is lawful to any member to deal.

What is the ordinarie ecclesiastical judgement to the Discipline of his Maj. household and Councel, removable with his Maj. to any part of the Realme?

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quest. 32.

The Session of his Maj. house, and Presbyterie within the bounds, wherein his Maj. maketh residence for the time, or the Presbyterie within which the slander is or was committed, *proratione delicti*.

Ans.

Should there be libelled precepts containing the cause of citation, and certification of the censures, before all ecclesiastical judgements; or only to answer super inquirendis?

quest. 33.

These that are cited by ecclesiastical judgements, are cited commonly for a delated or common slander, arisen either by word, or writ; but oftentimes by word, partly for shortness of processe, partly for want of the Kirk-living to sustain a Clerk with certification as effects, as the cause, and *salus Ecclesie aut persone* shall require.

Ans.

Hath the inferiour judgement power to summon to compare before any superiour judgement, or should men be summoned only by authoritie of that judgement, before which they should compare?

quest. 34.

Great slanders, wherewith inferiour judgements cannot well take order, would be referred to the superiour or greater judgements; and the persons guiltie charged to answer there, as having warrant so to do in such causes from the superiour Assemblie.

Ans.

Is it not necessary, that privat admonitions, with reasonable intervals of time, passe before all manner of citations?

quest. 35.

Where the slander is become publick, the place of privat admonition is past; and no citation before a publick judgement, before the slander break out. So the question is answered negative.

Ans.

What intervals of time are necessary betwixt every privat admonition; & betwixt the last admonition, & the first citation; & betwixt the citation and day of compareance, before every one of the said judgements?

quest. 36.

The Officers of Christs Kingdom are men of wisdom and equitable discretion, occupied in matters of chief importance concerning the glorie of God, and salvation of his people: and therefore should not be impeached with trifling questions.

Ans.

How many citations should inferre contumacie?

quest. 37.

One may inferre contumacie. But the Kirk, unlesse there be publick danger, useth pluralitie, both for publick, and personal, as best may serve for gaining of the offender. The Law sayeth, *una citatio contumaciam inducere potest, si scientia citationis apprehenderit citatum, atque ita comperiatur malitiose latitare: Hec una pro omnibus dicitur.*

Ans.

Is simple contumacie without probation of a crime, or is any crime without contumacie, sufficient cause of excommunication?

quest. 38.

Conjunctly and severally: for the crime may be so heinous, that for purging of the Kirk, and moving of the person to greater humiliation, he may be excommunicated, howbeit obedient in outward appearance for a short time: & being called before the Kirk, if he compare not, neither shew a just cause why, he bewrayeth pride & corruption of heart, testifying him not to regard the Kirk, nor have any societie therewith; and so worthily to be declared, and publickly to be signified, such an one as he is indeed.

Ans.

Are there not diverse kindes of censures, such as prohibitio privati convicius, interdictio à canâ, not published to the people; & last of all, publica traditio Satanzæ?

quest. 39.

We have in common use of our Kirk, as was in the ancient, but two, ab-

Ans.

1597. *stentos à cœnâ, and excommunicatos.* As for the rest of the sorts, look our Theologues Common Places, and our answer to the Bishop of *St Andrews* Appellation.

Quest. 40. Should the Presbyteries be judges of all things that import slander? & if so be, whereof are they not judges?

Ans. The Presbyterie should presse to purge their bounds of all slander, and to separat every soul from their slanderous known sinne; lest his bloud be craved at their hands: and as *Martyr* saith, *nihil est ad quod Dei verbum se non extendit, ac proinde censura ecclesiastica*: and yet in the mean time it neither considereth, nor toucheth that which the civil Magistrat doth, nor for that end.

Quest. 41. Can excommunication be used against murderers, usurers, or not payers of their debts? and if so it may be, why are not all the Border and Highland theeves cursed; as all the men-swearing Merchants, & Oakers among the burrowes?

Ans. It can very well, but if the Magistrat do his dutie, it needeth not: and if the Highland and Border Kirks were planted, there would be lesse thift. Also such merchants are cursed indeed; and bribing Lords of the Session also. They meant this of *Mr John Lindsey*.

Quest. 42. Is there any appellation from the inferiour to the superiour judgement; and is not the sentence suspended during the appellation?

Ans. There is appellation from the inferiour to the superiour judgement, upon just causes, aye and while it come to the supreme, which is the General Assemblie, from whence there is none. And as to the sentence, if the appellation be admitted, it is suspended for just and reasonable causes: if not admitted but justly repelled, not.

Quest. 43. Should not all processees and acts be extracted to parties having interest?

Ans. In *foro poli* this may be, or not be, as the judges see it expedient for the honour of God, well of the Kirk, and saving of the person from danger of his sinne: and seing ecclesiastical judgements are not astricted alwayes to a written processe, for diverse reasons, they cannot be bound to give an extract in writ alwayes.

Quest. 44. Is summar excommunication lawful in any case, without citations preceeding?

Ans. In some cases it is, such as of *Bothuel*, *Spot* and the Popish Earles; and wanteth not good warrants of Reason and Scripture, and examples of the Primitive Kirk.

Quest. 45. Have any others, then the Pastors of the Kirk, vote in excommunication?

Ans. Doctors that interpret the Word, and Elders that watch over manners, have vote also; howbeit chiefly that censure is deduced, directed and executed by the Pastors, the ordinary Ministers of the word of wisdom

Quest. 46. Hath every ecclesiastical judgement alike power to excommunicat?

Ans. Every ecclesiastical judgement, well constituted, hath power to excommunicat within their bounds: howbeit in respect of the weightiness of that censure, it is thought good, that the Sessions proceed not without advice of their Presbyterie.

Quest. 47. Is it lawful to excommunicat such Papists as never professed our Religion?

Ans. A Papist, resident within our bowels, esteemed of our communion, and

under shadow thereof endangering the Kirk, may by excommunication be discovered, and made known for such an one as he is.

A woman excommunicated, having a faithful husband, should be thereafter abstain from her companie?

Excommunication cutteth not off the duties of marriage nor of nature, so they be used without danger of the Kirk, offence of the Godly, and stay of the medicine applyed, which is to move the person to be ashamed of his detested estate, and to seek to be removed from the same.

Is it not reasonable, that before any letters of burning be granted by the Session upon the proceffe of excommunication, that the partie should be summoned to hear them granted?

The order prescribed hereanent, in the Act of Parliament, is good and reasonable. As to the summoning, it can serve for no other end, but to make the Session Judge in the proceffe.

Hath not a Christian King power to annul a notorious unjust sentence of excommunication?

No more then excommunicat, or then the Kirk hath to annul a notorious unjust sentence of horning or forfaultrie.

May any Council or Universitie be excommunicat? & for what cause, by whom and after what manner?

Some Council or Universitie may be, *videlicet*, wheteof every member or individuum and person is slanderous, for such crimes as by the Word of God deserve excommunication; and this should be done by their ordinary judgement ecclesiastical, in manner set down conform to the Word of God.

When the Pastors do not their dutie, or when one jurisdiction usurpeth above another, or any other schisme falleth out, should not a Christian King amend such disorder?

A Christian King should imploy his Authoritie, for amending all such disorders, as the Pastors and Doctors of the Kirk declare by Gods Word, are to be amended, ordinarily, and extraordinarily by an extraordinary warrant. But no King nor Prince should take in hand mending or reformation, but with advice of the watchmen, and at the sight of the Seers, who have the gift and calling to take up the just causes, conform to the Word of God.

May fasts for general causes be proclaimed, at a Christian Princes command?

By the advice of the Watchmen, and at the sight of the Seers, who have the gift and calling to espy the just causes of humiliation by the Word of God, they may.

May any ecclesiastical judges compel a man to sweare in suam turpitudinem?

A man, slandered in *causa turpi*, if witness cannot be gotten, and there be weightie presumptions confirming the suspicion of the slander, the slander cannot be removed, the Kirk satisfied, nor the person judged, but by the Oath of the Lord interponed, which by the Word of God determineth all doubts and controversies.

Should there anything be treated in the ecclesiastical judgement, prejudicial to the civil jurisdiction, or privat mens rights; and may not the Civil Magistrat lawfullie stay all such proceedings?

The one should not prejudge the other, but both should judge as Brethren for their mutual help and comfort, according to the diversitie of

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Quest. 48.

Ans.

Quest. 49.

Ans.

Quest. 50.

Ans.

Quest. 51.

Ans.

Quest. 52.

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quest. 53.

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quest. 54.

Ans.

quest. 55.

Ans.

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The answers of a Brother.

the gifts and calling bestowed upon them by God, and set down in his Word; whereby all mens lawful rights shall be helped, and none have occasion to stay, but both to further and advance other mutually.

Mr *Patrick Gallovay* made answers to the same questions, but these I omit, and will adjoine the answers only of another Brother more judicious, omitting the questions for eschewing repetition.

1.

Matters of Religion, and chiefly Articles of Faith, may be disputed *salva fide & Religione*; how much more then may matters of external Politie of the Kirk, if so be that men would deal with modestie, and thrift of edification.

2.

The word *external* would be explicated. For Christ being Master of his own House, hath set down the rules of the Regiment of his own House, and Household Familie, which may no more be altered, then *Moses* might have altered the form of the Tabernacle set down to him.

3.

This word *Patron*, and presentation of Patrons, *est humanum institutum*, and hath no warrant *ex jure divino*: and therefore importeth no necessitie of consent. As to the consent of the people, no man will deny, but it is necessarie to be had.

4.

The Governours of the Kirk have to foresee where men may best profite the Kirk, plant and transport *ad majorem edificationem*.

5.

The whole world is not the particular flock of a Minister; & yet may every Minister, in his Doctrine, exhort, admonish, reprove others, then those of his own; and if *St Paul* may be beleaved, both in season, and out of season. The Prophets of *Israel* denounced the Judgements of God against *Babylon, Ninive, Tyrus, Sidon*, and all the profane people, that persecuted the Kirk, and disobeyed God.

6.

The admission of the Kirk serveth for imposition of hands.

7.

These words, *notoriously declared vices*, are very ambiguous, and would have some better explication of their meaning. But if *John* might say to the Scribes and Pharisees, who were in great estimation with the people at that present, *generation of vipers, &c.* and to *Herod*, *it is not lawful for thee to have thy brothers wife*: and to Christ to call *Herod* a fox: *Amos*, the Princes of *Israel*, *kine of Bashan*; beside many other examples; it appears not only to be lawful, but also necessarie. God hath, without exception of persons, arraigned all men under the Law, and exeemed none from admonitions and corrections; and admonisheth every Brother meekly, much more a Pastor, to be careful to draw by very force the wicked, whose wickedness is burning and consuming him to destruction, out of the fire. *Jude vers. 22. 23.*

8.

For all vices, whereby God is dishonoured, and wherein men persist without Repentance.

9.

Questio per forte, solvitur per forte non. If *St Paul* may be beleaved, all appearance should be eschewed; and whatever is defended to be done, may be reprov'd upon appearance to be done.

10.

The Word is the foundation whereupon the Doctrine is builded, and all things cannot be builded upon a particular Text. Yet the discreet builder, having invocated the great Master-builder for his instructing to build, may build both gold and silver, as circumstance of time, place and manner shall require; howbeit the world think it but straw and stubble.

11.

What is meant by a simple Pastor, I wote not; but if it be as I take it,

a Pastor alone, he may exerce all the power of his calling in Teaching, ministring the Sacraments, Rebuking, Casting down and Raising up by himself alone; and the ecclesiastical Policie with the Session of the Kirk.

Blind men should not judge of colours. *Paul* saith, that the *Elder* that is occupied in the word is worthie of double honour; signifying, that all Elders cannot teach. If then unapt to teach, unapt to judge of Doctrine: and farther, he saith, *the Spirit of the Prophets is subject to the Prophets.*

Alexander Lawson held the opinion, that he should not ride that cannot ride. Many will have vote that cannot moderat.

The Ministers choose not the Session but by consent of the people, & *qui non contradicit, consentit.*

Because of the unsatiable greediness of great men, that take up the Patrimonie of the Kirk, that scarce can the few Ministers, that are planted, be sustained unbegging, let be to sustain Elders and Deacons.

Moë then can be gotten planted for sacriledge: for if all were planted, the Kirk might easily set down the division.

The Pastors only. For the Elders voting passeth not out of their own particular Sessions.

Things that are hard for particular Kirks, are consulted upon in Presbyteries; that are hard for Presbyteries, in Synods; that are hard for Synods, in General Assemblies: like as the *Kings Maj.* will have his ordinarie Council, Convention of Estates, and great Parliament above all.

As summar as may be for ease of the people, after the form of the primitive Kirk; wherein I doubt not, but as God calleth men to bear office in his house, he will also give them wisdom to do it most fitly, and most fruitfully.

Refer to the *eighteenth* and *nineteenth.*

Refer to the *seventeenth.*

If the youth in the schooles be the Seminarie of the word, it appeareth their teachers should have vote in the Assemblies, being called thereto; chiefly these Masters that are Teachers in Divinitie. I understand not what is meant by the *form of voting*, seing all voters have one form.

It is lawful, and established by Act of Parliament: for that were perillous to restrain the libertie thereof to the Prince. For howbeit we have now a Christian Prince, we cannot tell what his Successours will be, or how they will be affected, suppose they make external profession of Religion.

The General Assemblie may be both ordinarie and extraordinarie, as shall seem expedient to the Governours of the Kirk, for the good Regiment of the same.

It is not learning that makes the voting, but a lawful calling to vote. The King will oftentimes have wiser men out of the Council, then within.

Both are lawful to be done, and the Kirk resolves *quid expedit.*

The Presbyteries of the shire, each one respective among themselves, shall choose, and the discretion and wisdom of the Governours of the Kirk will see to both what is necessarie and expedient.

God forbid, that the vote or consent of one man should prevail, ad preponderat the votes of the whole Kirk.

The form, order and resolution, accustomed to be received in former Assemblies, and ecclesiastical Councils.

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31.

Otherwise there should be a great confusion.

32.

Presbyteries or Synodal Assemblies, where his *Maj.* shall have chief residence for the time; if so be the Eldership of his own House find it hard for them, or that it fall under their Judicature.

33.

The form and order in summoning, and deduction of processes verbal, or by libel, assignation of dayes of compareance, & termes to answer, continuations, or other diets, the discreet Session, Presbyterie, Synod or General Assemblie may use, as the circumstance of the time and place, and weight of the cause shall minister occasion.

34.

Remitted to the *thirtie third* with this addition, if the cause be in the First instance, it should be by the ordinaire form of that same Judicature: if at the Second instance, as a cause first heard in the Presbyterie, and referred to the Synod, the partie may be cited by that Presbyterie to compare before the Synod: and so of Elderships to Presbyteries: And of Presbyteries to Synods: And of Synods to General Assemblies.

35.

Trial, and citation to trial, must necessarily passe before all Admonitions.

36. and

37.

The discretion of the judges will consider the qualitie of the offence, the Person of the offender, the place of his residence and other circumstances: *pro re nata*.

38.

Pride did cast *Lucifer* out of heaven, and there can be no greater cause of Excommunication, then a proud contumacious heart, that will not hear Gods voice in his Kirk; and no crime incurreth the censure of Excommunication without contumacie. The bosom of the Kirk is alwayes open to repenting sinners; and Obedience purgeth Contumacie.

39.

Of these three, the first is the Civil Magistrats; wherein alas! If they were this day sollicitous, & could say with *David*, the zeal of thy house hath eaten me up: and in another place, with unfained hatred have I hated them that hate thee: Wherein if they were thus sollicitous, the Kirk would not be so much troubled with the other two, which belong to them, as they are this day.

40.

If the Kirk be not judges of slander, they have no judicatorie at all: & to affirm they have none, I affirm to be blasphemie.

41.

The end of Excommunication is not to destroy, but to win and to bring them to Christ, that their soules may be safe in the day of his appearing. Theretore whosoever, of what estate, rank or degree soever they be, that transgresse any of the rules of the Decalogue, & rebelliouslie persist therein, repugning against the voice of the Kirk, may be, ought and should be Admonished and Rebuked; &, if he conform not himself to the voice of the Kirk, be Excommunicat & given to the Devil.

42.

It is without all peradventure, that appellations are, and should be in the Kirk; and a sentence given must stand, and have execution, till the lawfull Superiour judge, appealed to, decern the contrair.

43.

Many processes are summar and verbal, and have no Acts. But such as are upon a libel, judicial Acts ought to be extracted to parties having intress.

44.

Seek the resolution of this question at the Convention, where *Bothwell* and *Spot* were summarily Excommunicat. But for my self, for the present, *non liquet*.

45.

Yes, Doctors and Elders.

46.

Though one be in greater reverence nor another, by reason of learned and grave men; yet the Jurisdiction and Authoritie of all is alike. One

Elder-

Eldership is not subalternat to another ; nor one Presbyterie or Synod to another.

This is resolved in a General Assemblie , affirming it to be lawful.

The Apostles *Paul* and *Peter* resolve this question , who say , it is not lawful , if the unbelieving woman please to remain with him : if they may not separat for unbelief , much lesse for excommunication.

It is both against Reason , and the Act of Parliament , but that letters should be granted upon the sight of the sentence only.

If he hath power to annul the sentence of Excommunication , he hath power also to Excommunicat : for to annul the sentence is more then to excommunicat.

A Council or Universitie , committing crimes that deserve Excommunication , & persisting rebelliously therein , against the admonition of the Kirk , may be excommunicat , even after the same order and forme , that other particular men are.

Schismes , as well as errors and heresies in the Kirk , or usurping of Priviledges the one above another , are properly judged and cognosc'd by the Kirk : and if any be refractarie , the King may , and should , punish.

No doubt he may : We pray God he were solicitous to do it : and yet this libertie is not to his , but that the Kirk may do it also.

Not , except it be in matters of Religion and Faith , and this custome is kept this day in the Kirk.

This question is very absurd. The Kirk meddleth not with the cognosc'ing of any mans right ; but with Gods right , and mans obedience to him. The Civil and Ecclesiastical Judicatorie have their own Subject , Judges , Forme and End.

In all these questions no hint of Bishops : yet had the King set down a Catalogue of such , as he would prefer to that dignitie , before *Mr David Black* was troubled.

The Brethren of the Ministrie convened at *Perth* the last of *Februar* , at the Kings appointment. There were never seen so many Ministers come out of the North , at any time before. *Sir Patrick Murray* , a brother to the Laird of *Balvaird* , was a busie man in the North among the Ministers , for the Popish Earles for that effect. They were let-in at night , and be times in the morning , to make their acquaintance with the King. Then they began to look big on the matter , and found fault with the Ministers of the South , for not handling matters well , and almost loseing the King. Yet the sincerer sort of the Ministrie , adhering to the directions of their Presbyteries and Synods , the Assemblie was put off for three dayes. At last *Mr James Nicolson* was brought-in to the King by *Sir Patrick Murray* , and conferred with him till midnight , at which time he was drawn to the Kings course. *Sir Patrick Murray* was sent the day following to command all , that were sent to this meeting , to resolve either to hold an Assemblie , or not. The question being proponed , whether that meeting should be holden for an Assemblie , or not ? *Mr Peter Blackburne* defended the affirmative , and *Mr James Melvine* the negative. The Brethren inclined to *Mr James Melvin*'s part. But *Mr James Nicolson* assisting *Mr Peter* with some persuasive speeches , and the King joining his Authoritie , a great number yeelded. When the matter was put in voting , the Ministers of *Angus*

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and of the North swayed much. Eight Presbyteries refused to allow that meeting for an Assemblie : Eleven approved it under the name of extraordinary. The Commissioners of the Presbyterie of *Fife* made a plain Protestation of their disassenting from all that forme of proceeding, and whatsoever should be done in that pretended Assemblie. *Mr James Melvine*, fearing a dangerous course of defection, not without cause, and understanding that fundrie were directed from the King to deal with him, and to bring him to him, withdrew himself secretly. *Mr Andrew Melvine* was absent, because the choice of the Rector of the Universitie of *St Andrews* fell forth at that time.

It being concluded, that this meeting should be holden an Extraordinary General Assemblie, the King willed them to repair to the place, where he' and his Estates were presently convened, that they may conferre with them upon some Articles. They resort to the Council house, where after the King had discoursed upon such things as should be proponed, they protested, that that meeting with the Estates should not be holden for the Assemblie of the Kirk. The Brethren, specially of the South, refused to put any of the heeds of Discipline in doubt or question. The King would needs have reasoning. *Mr Thomas Buchanan* answered, we distrust not our cause for want of reasons; but we perceive there is a purpose to toss our matters here a while, that hereafter men of little skill, and lesse conscience, may decerne on them as they please. After pertinent protestations, he entered in reasoning, and reasoned solidlie, and after his manner sometimes sarcastically. He acted the part of a faithful man at that time, howbeit afterwards he proved false enough, when he saw the King headstrong in the course, and some hope of preferment.

The discourse preceeding I have out of *Mr James Melvin's* Memorials. I will now follow the order set down in the Register of the acts, howbeit not to be trusted unto. For after that division and schisme entred in the Kirk, the acts and proceedings of Assemblies were framed, as best might serve for advantage to the corrupt partie.

It is recorded in the *second* Session, that *Sir John Cockburne* of *Ormeistoun* Knight Justice Clerk, and *Mr Edward Bruce* Commendator of *Kinloß*, were directed to the Commissioners of the Presbyteries, convened in the Kirk, to enquire of them, if they be a lawful General Assemblie, & have sufficient power themselves to give answer, treat, & conclude upon such things as were to be proponed, according to his *Maj.* warrand and missive Letter directed to them: and that after reasoning at length it was concluded, that it was a lawful extraordinary General Assemblie, by reason of the Kings Letter directed to the Presbyteries, and Provincial Synods to that effect, and Commission given by the Presbyteries and Provincial Synods; & that they were willing to hear what his *Maj.* should propone, and to treat, conclude, and give answer conform to the Commissions, wherewith they were authorized by the Presbyteries and Synods.

In the *third* Session, the Kings Commissioners proponed the Heeds and Articles, which were to be reasoned upon. *Mr John Monro*, *Alexander Douglas*, *Mr Peter Blackburn*, *Mr John Strauchan*, *Mr Alexander Forbes*, *Mr James Nicolson*, *Mr Andrew Lambe*, *Mr Alexander Lindsey*, *Mr William Couper*, *Mr Thomas Buchanan*, *Mr James Melvine*, *Mr John Spotswoode*, *Mr Adam Coult*, *Mr Thomas Storie*, *Mr Andrew Claybils*, *Mr John Knox*, *Mr James Bryson*, *Mr Patrick Sharpe*, *Mr Gawine Hammiltoun*, *Mr Alexander Scrimger*, *Mr David Barclay* were

appointed to conferre upon the said Articles, and to report their overture and advice to the Assembly.

In the *fourth* Session, the Assembly was desired to repair to the place, where the King & Estates were convened, to conferre & reason upon the said Articles, which they did, after they had protested, as followeth.

Forasmuch as we come hither to testifie to your *Maj.* our obedience, and to hear what shall be proponed to us by your *Hightness*, In all reverence we protest, that this our meeting be not esteemed as though we made our selves an Assemblie with the States, or yet do submit any matter ecclesiastical, either concerning Doctrine or Discipline, to this Judicature: But after that we have conferred and reasoned with your *Maj.* anent the Articles proponed to us, we must return to the ordinarie place of our Assemblie, there to reason, vote & resolve, in all the points, according to the Word of God, and good conscience. And this our Protestation, we most humbly desire, may be admitted and insert in your *Maj.* Books of Council, for eschewing inconveniences, that hereafter may arise.

The Kings Articles.

Since the quietness of the Kirk, and freeing the same of slander, which upon the contrarie effects would necessarily follow, is the chief butt and end, whereat his *Maj.* shooteth, in convening and holding this present Assemblie. Therefore for eschewing of fashious, and longsome Disputations, whereupon diverse uncomely controversies and debates might arise, his *Maj.* hath thought good to remit the decision of a great number of the printed questions to a better opportunitie, to be reasoned upon in the mean time by such, as shall be authorized by commission to that effect; and for the present shall content himself with the decision of these few Articles following, having made choice of none, but such as necessitie of time could not permit to be delayed, without greater harme and slander to follow.

That it be not thought unlawful, either to the Prince, or to any other of the Pastors, at any time hereafter, to move doubts, reasons, or crave Reformation, in any points of the external Policie and Government, or Discipline of the Kirk, which do not especially concerne Salvation, or are not answered *affirmative vel negative* by an expresse part of the Scripture; providing it be done *decenter*, in right time and place, *animo edificandi, non tentandi*.

That since the Civil and Politick Government of the Countrey belongeth allanerly to the Kings Office and his Counsellours, & is no wayes pertinent to the spiritual Ministrie of the Word, that no Minister shall hereafter meddle with any matters of state in Pulpit, or with any of his *Maj.* Lawes, Statutes, or Ordinances: but if any of the Ministrie shall think any of them hurtful to Religion, or contrarie to the Word, they shall privily complain to the King, or his Council.

That it shall not be lawful to the Pastors, to name any particular mens names in the Pulpit, or so vively to describe them, as may be equivalent with their naming, except upon the notoriety of a crime; which notoriety must only be defined by the guiltie persons being fugitives for the time, or being filed by an Assise, or excommunicat for the same.

1597.

4.

That every Minister in his particular application, shall have only respect to the edification of his own flock, and present Auditorie, without expatiating upon other discourses, no wayes pertinent for that Congregation.

5.

That every particular Presbyterie shall be commanded to take diligent count of their Pastors Doctrine, & that he keep himself within the bounds of the premisses.

6.

That summar excommunication be allutterly discharged, as unapt; and that three lawful citations, at least of eight dayes interval betwixt every one of them, preceed the sentence.

7.

That no Session, Presbyterie, nor Synod use their censures upon any, but those that are resident within the bounds committed to them; otherwise their decreets and sentences to be null.

8.

That all summons containe a special cause and crime; and none be summoned *super inquirendis, quod est mere tyrannicum.*

9.

That no Meeting nor Convention be among the Pastors, without his Maj. knowledge and consent; excepting alwayes the ordinarie Sessions, Presbyteries and Synods.

10.

That in all principal Townes, Ministers be not chosen without the consent of their own flocks, and of his Maj. and that order begin presently, in the planting of *Edinburgh.*

11.

That all matters, concerning the rest of his Maj. questions, be suspended, unmeddled with, either in Pulpit, or any other Judicatures, while first all his *Highness* questions be fully decided; and in special, that all matters importing slander, come not in before them, in the mean time, wherein his Maj. Authoritie Royal is highly prejudged; but only in causes that are meerly ecclesiastical.

12.

That seven or eight discreet and wise Ministers be authorized by Commission, to reason upon the rest of the questions, as opportunitie of time shall serve.

13.

That they give Commission to the Ministrie of the North, to be at a point with *Huntlie*; and in case he satisfie them, to absolve him.

Answers to the Articles by the Brethren, appointed to advise upon them.

I.

The Brethren conveyened gave their advice in the *first* Article, that it is not expedient to make a Law or Act touching this, lest a door should be opened to curious and turbulent spirits. Other wayes, they think it lawful to the King by himself, or by his Commissioners, to propound in the General Assemblie, whatsoever points he desireth to be resolved of, or to be reformed, *in specie externi ordinis*, seing *substantia externa administrationis ecclesiasticae* is plenissime tradita in *sacris literis*. And as the General Assemblie may accept of this from the King, so may the General Assemblie do anent any thing, that is done by his Highness, in any Convention, Meeting or Assemblie, conveyened by him hereafter.

2.

Their advice to the *second* Article is, that lawes already made, hurtful to Religion, or prejudicial to the Libertie of the Word, be declared to be expired, as the same shall be particularly condescended upon; and no law be made hereafter touching Religion, without advice and consent of the Kirk, which is declared to be the third Estate of the Countrey: and that no Act whatsoever be made contrarie to the Word, the Preaching whereof the Ministers have concredited unto them. Which if it fall out

(as God forbid) they think, that every Pastor, by advice of his Presbyterie, Synod or General Assemblie, should first complain and seek remedie of the same, which remedie not being obtained, they should direct the force of the Word against the same with all libertie. As concerning matters of estate, the Brethren desire the explaining of this point of the Article.

No mans name should be expressed to his rebuke, in Pulpit, but where the fault is notorious or publick: yet they esteeme notoriety must be defined other wayes, then being fugitive, filed by an assise, or excommunication. For contumacie after citation, publick committing of murder, adulterie, or such like, as was *Bothuels*. coming to the *Abbey*, the murder at *Dinnibirse*, and many other of that sort, make notoriety: as also when the fact is so evident, that the notoriety thereof may be made out before the judge ordinarie. As to the vive description, equivalent to the naming, it is hard to set a law thereupon; seeing a guiltie person will apply to himself, howbeit the Preacher never thought on him.

No Pastor should use application, wherein he has no respect to the edification of his own Flock, and the present Auditorie.

It is the dutie of every Presbyterie to take account of every Pastors Doctrine; that he keep himself within the bounds of the Word of God.

In the General Assemblie holden at *Montrose*, it was ordained, that every Presbyterie should seek out the warrants, concerning summar excommunication *pro* or *contra*, and produce the same to be considered by the next General Assemblie, that decision might be taken therein, according to the Word of God. And seeing the Commissioners from Presbyteries at this present have not brought with them the said reasons, it is meetest to leavethis matter to the ordinarie General Assemblie; and that in the mean time the Act of *Montrose* be kept.

The General Assemblie hath appointed every offender to be censured in the place, where he offendeth; which they cannot go by, *nisi in causa communi*.

Fiat.

This Article is against the necessarie meeting of Pastors, as Visitation of Kirks, Admission of Ministers, Concurrence of the Brethren in most lawfull errands, as in taking up of feods, resolving of questions, and such like. Therefore beside their Sessions, Presbyteries and Synods Provincial and General, the Brethren think all meetings, for discharge of their office, ought to be allowed.

This Article is answered by an Act of General Assemblie, which ordaineth, that the principal Townes be planted with Ministers by advice of the General Assemblie, at which his *Highbness* Commissioners are, and should be present.

This Article importeth a discharge of many points of Discipline, so as it cannot presently be answered.

They gave their advice by word to the *twelfth* & *thirteenth* Articles.

Howbeit these answers were approved by the Assembly; yet were they after altered through pretended haste, and set down in the *sixt* Session as followeth.

That it is lawful to his *Maj.* by himself, or his *Highbness* Commissioners, or to the Pastors, to propone in a General Assemblie whatsoever point his *Maj.* or they desire to be resolved in, or to be reformed, in matters of external Government, alterable according to circumstances; providing it be done in right time and place, *animo edificandi, non tentandi*.

1597. 2. The Assemblie ordaineth, that no Minister shall reprove his *Maj.* Lawes, Statutes, Acts and Ordinances, until the time that first he, by advice of his Presbyterie, Synodal or General Assemblie, complain and seek remedie of the same from his *Maj.* & report his *Maj.* answer, before any farther proceeding.
3. No mans name should be expressed to his rebuke in pulpit, except the fault be notorious and publick; which notoriety is defined, if the Person be fugitive, be convicted by an Assise, Excommunicat, Contumax after Citation or lawful Admonition: Nor yet should any man be described vively by any other circumstances, except publick vices alwayes damnable.
4. The Brethren finde, that no Person should use Application, wherein he hath not a chief respect to the edifying of his own flock, and present auditors.
5. The Assemblie ordaineth every Presbyterie to take diligent account of the Pastors Doctrine, and that he keep himself within the bounds of the word.
6. The Assemblie superfedeth to answer the *sixt* Article, till the next General Assembly; and in the mean time suspendeth all summar Excommunication, till the said Assemblie.
7. The *seventh* is likewise referred to the next Assemblie.
8. Ordaineth all summons to contain a special cause and crime, and that none be summoned *super inquirendis*.
9. No Convention should be among Pastors, without his *Ma.* knowledge & consent, except alwayes their Sessions, Presbyteries and Synods, their meetings at Visitation of Kirks, at Admission or Deprivation of Ministers, taking up of feods, and such others as have not been found fault with by his *Maj.*
10. In all Principal townes, Ministers should not be chosen without the consent of their own flock and his *Maj.*
11. All matters concerning his *Maj.* questions remanent, shall be suspended, not damned or rebuked, either in pulpit, or other their judicatories, while first, all his *Hightness* questions be decided in the next General Assemblie: And in special, no matters importing slander shall come in before them, in the mean time, wherein his *Maj.* Authoritie Royal is prejudged, except only Ecclesiastical causes.
12. The Assemblie hath chosen and appointed certain Brethren, to treat upon the said questions, and to report their advice and opinion to the next General Assemblie, referring the time and place of conveneing to his *Ma.* The Brethren appointed to that effect are these following, *Mrs James Nicolson, John Caldcleugh, Andrew Claybils, David Lindsey, Thomas Buchanan, James Melvine, Robert Wilkie, William Couper, John Couper, James Bryson, Robert Rollock, Patrick Galloway, John Duncanson, Robert Howie.*
13. The Assemblie giveth Commission to the Ministers of the Presbyterie of *Murray* and *Aberdeen*, to insist in conference with the *Earle of Huntlie*; and to that effect appointeth *Mrs Andrew Mill, Andrew Lambe, Andrew Leich, George Gladstones* and *John Ramsay* to concur and assist: and ordaineth them to report his answers to the Articles, given in Commission for trial of the said *Earle*.

Articles for
trial of the
Earle of
Huntlie.

The Articles, given for trial of the *Earle of Huntlie*, are set down in the *seventh* Session. 1. That from the day of his comparance before the

Commissioners

Commissioners appointed for his trial, he shall make his ordinarie residence in *Aberdeen*, that he may be instructed by hearing of the word, and conference, during the time appointed for the same. 2. That he be informed to condescend to the principal grounds of Religion affirmative, and to the untruth of the errors contrair to the same; and that he be able to give a reason of his knowledge in some measure. 3. That he be brought to acknowledge the Kirk within this Countrey, and professe himself adjoined to the same, as an obedient member, and be content to hear the Word, participat the Sacraments, and obey the Discipline of the Kirk, as the same is presently allowed by the Kings *Maj.* and Estates. 4. That he solemnly promise by word and writ, to remove out of his bounds Jesuits, Priests, & Excommunicat Persons. 5. That he agree to swear and subscribe the Confession of Faith in presence of the Commissioners. 6. That he agree to satisfie in the Kirk of *Aberdene* in most humble manner for his Apostasie, & there renew the foresaid promises and bands in solemne manner. 7. That he declare his grief and repentance for the slaughter of the Earle of *Murray*, at the time of his publick satisfaction foresaid; & promise to make a sythment to the partie, when the same may conveniently be accepted. 8. That for as much as by occasion of service done to his *Maj.* in pursuing him by force and otherwayes, sundrie in the North have incurred his displeasure and deadly feod, that he be content to remove the old quarrels, with such convenient diligence, as the said Commissioners shall think expedient. 9. That for declaration of his upright meaning in joyning with us, he be content, at their sights, and advice of his best disposed friends, to provide sufficient stipends for his Kirks. 10. That he acknowledge his faults, wherefore he was justly Excommunicat; and specially the burning of *Dunnibirstle*, and his Apostasie. 11. That he shall have an ordinarie Minister resident continually in his own house.

The Countess of *Angus* requested, that some might be appointed to conferre with her husband for his resolution. The Assemblie ordained the Ministers of *Angus* & *Mearnes*, because he had his residence there, to conferre with him, & to trie him with the Articles above written, such only excepted, as concerned the Earle of *Murrays* slaughter.

Conference
granted to
the Earle of
Angus.

Francis sometime Earle of *Errol* offered to abide trial of the alledged trafficking against the Religion presently professed, during his absence out of the Countrey; to find caution and securitie never to traffick in time coming, against the said Religion; and that neither the said Religion nor Discipline shall be hindered by him, but shall have the ordinarie course in his bounds, which it hath in other parts of the Countrey. He craved some to be appointed to conferre with him, that he might be resolved of his doubts in Religion. He desired to be absolved, or at least suspended, from the force of the sentence of Excommunication, during the time of the Conference: that none of his friends, steedable to him by their counsel in the said Conference, or other his lawful affairs, be troubled with their censure, for resorting to him. The Assembly ordained the Ministers of *Murray* and *Aberdeen*, with the five Ministers adjoined to them for conferring with *Huntlie*, to conferre likewise with him, and to try him with the same Articles, excepting such as concerne the Earle of *Murrays* slaughter. The same Commissioners were also allowed to conferre with, and trie *Newtoun* and *Bonintoun*, in case they offered to satisfie the Kirk. Power was also given to the Presbyteries, where the said Excommunicats

Conference
granted to
the Earle of
Errol.

should

1597.

The petitions of the Assembly.

should happen to resort, to conferre with them upon the Heeds and Articles above written.

The Ministers convened, & presented some petitions to the King. 1. That he would publish by Proclamation a Declaration of his intention and good will, uttered by him before his Estates at this time, to maintain the Religion presently professed, and the Discipline joined thereto, and the Ministers to whom the charge of the same is committed; & that his will is, that whatsoever Law, Act or Proclamation hath been made prejudicial to the same, shall be esteemed contraire to his meaning, and shall have no force nor effect in any time hereafter. 2. That all Papists, Jesuits and excommunicats be charged to passe out of the Countrey, betwixt and the first of *May*; and if they obey not, that Sheriffs, Provosts, Bailliffs be commanded to apprehend them, and present them to the Council: and if they be negligent, that Commission be given to some zealous Professors to that effect. 3. That it please his *Maj.* to relax the Ministers of *Edinburgh* from the horne, and set at freedom such Gentlemen Professors, as now are under challenge; seing his *Maj.* knowes, that love to Religion moved them to those things, wherewith they are burdened. 4. To deal favourably with the Town of *Edinburgh*, that it may appear, that his *Maj.* is more inclined to shew favour to men that mean uprightly to him, then to Papists. 5. To give libertie to Mr *David Black*, Mr *John Welsh* and Mr *John Howisone* to return to their Flocks. 6. To take some substantial order for punishment of such, as have hurt and mutilat Ministers. 7. That provision be made for planting of Kirks, and that the Augmentations and Planting of new Kirks, made anno 1595. be allowed.

The Kings Answers.

The *first* Article is granted in substance.

The *second* is granted.

As to the *third* & first part thereof, concerning the Ministers of *Edinburgh*, they were ordained to be relaxed upon caution to be found by them to the Justice Clerk, that they shall underlye the Law. As to the Gentlemen, for whom the Assembly maketh request, his *Maj.* thinketh it good, that by the mediation of their friends, they be suiters for themselves.

As to the *fourth* touching the Town of *Edinburgh*, his *Maj.* will no wayes trouble innocent men, but such only as are guiltie; and mindeth shortly to be at a point with them.

Touching the invasion of Ministers, a Commission is ordained to be directed for calling, and punishing of the offenders.

Concerning the *last*, the Kings *Maj.* ordains the Treasurer, Mr *James Elphinstoun*, the Clerk of Register, Mr *John Preston* and Mr *Edward Bruce* to take order, as well for planting of Kirks, as with the Augmentations, which were granted anno 1595.

This Assembly, and consequently all that flowed from it, or followed thereupon, was esteemed by the sincerer sort to be null in the self, and of no force nor effect. 1. Because it was convocat contraire to the advice of the Ministrie, to the prejudice of the ordinarie General Assembly, which was to be holden in the moneth following. 2. Because it was not fenced, nor sanctified by the Word of God, and Prayer conceived and

The nullity of Perth Assembly.

uttered

uttered by the last Moderator, according to the order observed in General Assemblies from the beginning. 3. Because it was convocat to demolish the established Discipline, as appeared by the printed questions, calling in doubt the whole Discipline, at least, to gaine some advantage against it. 4. Because there was no Moderator cholen; but Mr *David Lindsey*, suborned by the Court, intruded himself; whereupon proceeded confusion & unaccustomed behaviour. 5. Because the ordinarie Scribe having departed this life, there was no Scribe chosen, sworn nor admitted. 6. Because almost half of the Commissioners from Presbyteries, according to their Commissions, dissented from the same, and protested against it. 7. Because after four dayes delay, and much dealing of the King and Courtiers, what with fair speeches, what with threats, it was at last scarce thrawn out by some few more votes, to be counted an extraordinare Assemblie, as it was indeed. 8. When it was concluded to be an Assemblie, there was no grave nor orderly proceeding, or proponing of matter; but all conveyed & dressed for the purpose; no Article reasoned or voted. There were indeed some Brethren out of every Province named to hear the Kings Articles, and to give their advice, which advice was heard and approved in full meeting. But after, the Articles were altered, and with post haste, notwithstanding the dissenting and protesting of sundrie Brethren, were, without reasoning and voting, by the mouth of the unchosen Moderator, and pen of an unchosen Clerk, concluded, and put in writ. Yea it was a great mercy of God, that no more evil was done, all circumstances being considered, and the carriage of the business. Great pains were taken at this Assemblie by Courtiers, to divide the Ministers in factions. They complained to the Ministers of the North of the severe, rough & undiscreet carriage, and arrogancie of the Ministers of the South, usurping the whole Government of the Kirk; and commended those of the North, as men of better disposition and greater discretion, with whom his *Maj.* being acquainted, they should see that in short time all matters should be brought to a good point. The chief of these were employed to deal, in favour of the excommunicat *Earles*, with the rest, who were sent out of the North. The greatest part of the Ministrie, partly terrified with threatnings, partly allured by fair promises of restoring the Ministers of *Edinburgh*, and to compose all matters, were induced to incline to the Court. But the better sort perceived clearly the overthrow of the Discipline of the Kirk intended; and therefore would in no case consent, that that meeting should have the power or strength of a General Assemblie; or enter in reasoning upon the questions, but referred all to the ordinarie Assemblie. To these reasons above set down I adde, that this meeting of Ministers, convocat at the Kings command, cannot be reputed a General Assemblie; Because the General Assemblie of the Kirk of *Scotland* should not consist only of Ministers, but also of Commissioners of Burghes, and Shires, and Universities, chosen according to the order set down in the General Assemblie, holden in *July* 1565. which order was not abrogat as yet.

The Bailiffs, some of the Council, & some other Citizens of *Edinburgh*, remained in *Perth* from the 28. of *Februar* to the 7. of *March*; they refused to come in the Kings will, & offered to underly trial, for the uproar raised the 17. day of *December*. Because *William Mauld*, one of the Bailiffs, compeared not with the rest before the King and Council, the Provost Bailiffs & Town of *Edinburgh* were put to the horne, the tenth of *March*. I.

The King
and *Edin-*
burgh re-
conciled.

1597.

is reported, that Mr *John Lindsey* laboured with *William Mauld* to absent himself, that thereby the Town might be brought in a snare. When the King returned to the Palace of *Halyrudhouse*, the Magistrats & Council of the Town went down to him. They recounted what service they had done in former times. The King desired them to come in his will, not for Treason, but for three other points. 1. For not apprehending the Authors of the tumult, and committing them to ward. 2. For not committing Mr *James Balfour* to ward, when he was in their hands. 3. Because *William Mauld* Bailiff compeared not at *Perth* with the rest, that were summoned in name of the Town. They take it to advisement, and upon the 22. of *March*, the Magistrats, accompanied with a number of Citizens, went down, confessed upon their knees, that they had offended through negligence in these points, and offered to him twentie thousand merks. There peace was proclaimed afternoon; and the day following he drank to the Magistrats and Counsellours, in the Council House, and called them his Gossops. He was conveyed out at the West port (for he was to ride to *Dumfries*) with Trumpets blowing, pipeing, the Bells ringing in the mean time. He returned the 13. of *April*, and was banqueted in Mr *Robert Bruce* his house, himself not yet relaxed: at which time also there was ringing of bells, and playing upon Instruments. If the Town of *Edinburgh*, or any of the inhabitants, had been guiltie of any conspiracie against the King, or any of his Council, the matter had not been so soon nor so easily composed. And this may be sufficient, if there were no more, to stop the mouthes of all Calumniators.

The Ministers of
Edinburgh
relaxed.

Upon the 21. of *April* the foure Ministers of *Edinburgh* got access to the King: he approved their flight; because, as he alledged, he might perhaps have done in his furie, that which he would have repented after. They were relaxed from the horne the day following, but had not yet gotten libertie to execute their Ministrie in *Edinburgh*.

The ordi-
nare As-
sembly
sented.

Upon the 27. of *April* Mr *Robert Pont*, moderator of the last General Assemblie, went to *St Andrews* to keep the dyet appointed by the last General Assemblie: few convened, but some Commissioners out of *Lothian*, *Perth*, *Stirling* and the Synod of *Fife*: they convened in the new Colledge School, the place appointed for the Assemblie; and after calling on the Name of God, and humble Confession of their sinnes, which had procured that desolation, sended the Assemblie. Nores and documents of protestation were taken, for the libertie of the Kirk. All summons, references, appellations were continued to the Assemblie following.

Differen-
ces be-
twixt the
sincere and
corrupt
Assem-
blies.

The Assemblie was to be holden in *Dundie*, in the moneth of *May*, an Assemblie of the new fashion. But before I proceed any further, I will set down the differences betwixt the Assemblies, preceeding the last meeting at *Perth*, and the Assemblies following. 1. Christ by his spiritual Office-bearers convocated, and appointed times and places before: now times and places are appointed by the King, claiming this as his only due. 2. The Moderator and Brethren were directed before by the Word of God and his Spirit: now and hereafter they are to be directed by the King, his Lawes and State Policie. 3. Matters were before proponed simple, and the Brethren sent to seek light out of the word by reasoning, conference, meditation, prayer. Now means are devised before, in the Kings Cabinet, to bring his purpose to passe, & heed is taken in publick and privat what may hinder his course. He that goeth his way, is an honest man, a

good

good peaceable Minister. These that mean, or reason in the contraire, are seditious, troublesome, capped, factious. 4. In reasoning the word was alledged, the reason weighed, and if of weight, yeelded unto willingly. Now the word is past by, or posted over, and shifted; and if the reason be insisted upon, the reasoner is born down, and put to silence. 5. The fear of God, the care of the Kirk, learning, the power of preaching, motion and force of Prayer, and other gifts shining in those who were present, procured before estimation, reverence and good order. Now the person, presence, and regard to the Princes favour and purpose, swayeth all. If any had a gift or measure of learning, utterance, zeal, or power in exhortation, beyond others, it was imployed at these Assemblies. Now plots are laid how none shall have place, but such as serve for their purpose. 6. The Assemblies of old aimed at the standing of *Christs Kingdom* in holiness and freedom. Now the aim is, how the Kirk and Religion may be framed conform to the politick Estate of a Monarch, and to advance his supream and absolute Authoritie in all causes. In a word, where Christ ruled before; the Court now beginneth to govern. The Kings man may stand at the Kings Chair, use what countenance, gesture, or language he please: But good men must be taunted, checked, &c.

The two chief things the King and his faction aimed at, at the Assembly of *Dundie*, were the absolving of the excommunicat *Earles*, and a ratification of the Articles concluded at *Perth*, and farther if it might be obtained. The King, by advice of such as favoured his course, that he might the more easily come to his purpose, granted libertie to the Ministers of *Edinburgh* to come to *Dundie*, to know farther of his minde, and to Mr *David Black* to come from his ward.

After the exhortation made by the last moderator Mr *Robert Pont*, and the choosing of Mr *Thomas Nicolson* to be Clerk, the Assembly was delayed, and the Commissioners wearied till the coming of Mr *Robert Rollock*, whom the King, and such as were to further his course, intended to have Moderator. He was a Godly man, but simple in the matters of the Church Government, credulous, easily led by counsel, and tutored in a manner by his old master, Mr *Thomas Buchanan*, who now was gained to the Kings course. Many means were used to have him chosen; and the King and his followers prepared him for the purpose. Sir *Patrick Murray*, and such Ministers, as were already won, travelled with others of chief note, and brought them to be acquaint with the King. This was their exercise morning & evening. Mr *Andrew* and Mr *James Melvine* were called for to the King, before the sitting down of the Assembly. The King began to speak mildly to Mr *Andrew*. But when he began to touch the matters, that were to be treated, Mr *Andrew* brake out in his wonted manner, so that all that were in the house, and below without, heard them. In the end, the King becometh calme, and dismisseth him favourably.

At the choosing of the Clerk there was an Ordinance, that at the penning of every Act, there should be some Brethren present with the Clerk, of which number were Mr *James Melvine* and Mr *James Nicolson*. But when Mr *James Melvine* came to attend, they were commanded to come to the King with the minutes. It was also ordained, that the Acts should all be read in publick before the dissolving of the Assembly; which was not performed.

Mr *John Davidson's* letter to the Assembly was read, in the third Session, the copie whereof followeth,

The Assembly of Dundie.

Preparing of men for the Kings purpose.

1597.

Stand fast therefore to that libertie, wherewith Christ hath made us free, and be not intangled again with the yoke of bondage. Gal. 5.

As infirmitie of bodie hindered my presence from this Assemblie, Reverend and Loving Brethren, so straitness of time suffereth me not to supplie my absence by writ, as I would. Yet seing dutie craved somewhat in this, case at so necessare a time, I have abridged a few things to call to your Godly remembrance, beseeching you all to take them in good part, as they come of a loving minde to Christs cause, and the weal of the Kirk. It is not unknown to you, dear Brethren, that the unitie in the sincere Doctrine hath been, and is this day, the rose-garland of the Kirk of Scotland; and that the preservation of this unitie and libertie in Doctrine, came from the agreement in the libertie of the execution of Discipline, which hath been the hedge and bulwark as it were to the Doctrine hitherto. And therefore, the invasion of the freedom of Discipline cannot be, without danger to the libertie and unitie of Doctrine, no more then *Edinburgh* can be long free of fear of peril, if invasion of the borders be not resisted at the borders. And it may well be thought, that the preservation of the libertie and unitie of Discipline was saved, by wise wearing off of thornie questions thereanent, by wise foresight of our worthie Fathers, who ranged the questions in the General Assemblie in bounds, the time and place thereof, that the heat thereof should not burst forth, at the beginning, and so disturb the whole action. Beside this, these questions were ordered to come by degrees from other inferiour Assemblies, who were not able to solve them, that they break not in at the broad side. And last, if the questions were of weight, they were remitted from one Assembly to be ripely advised upon by the Brethren, to the next Assemblie, for avoiding of contention & rash conclusions: which good custome, if it had not been kept, our libertie & unitie could not have stood, as two loving sisters, to this day. For where questions get great libertie, godly edifying is excluded, as miserable experience teacheth, among the Popish Schoolmen. They breed strife, as the Apostle writeth, and the beginning of strife is as one that openeth waters. Wherefore, ere contention begin, let us leave off, as *Salomon* saith. Neither is it about meer external things, or alterable, as men speak, that the chief question is now adayes; howbeit questions even in these matters, as is said, are warily to be admitted: for as that ancient Father giveth out, *facilius est constituta labefactare, quam labefactata in pristinum statum reducere*. But it is about a substantial part of Doctrine, to wit, rebuke of vice, and that manifest, open and obstinat, that groweth to such a great height, as it would be licentiated by lawes, with imprisonment and bondage of the libertie of the truth; as all that are not wilfully blind may easily see: for which truth, and libertie thereof we are bound to strive. Therefore let us stand fast in that libertie, wherewith Christ, in that case, hath made us free, above all Nations: and let us not agree with men in those things, *quæ concordiam prorsus excludunt. Ne-farie quidem impieque concordēs erant, qui turrim exstruebant. Nazianzenus*. And yet *libido novandi circa ecclesiam* be far, at the least, from some of our selves of the Ministrie; as in sense the same author hath. Many things hath our Kirk need of, at this time,

meeter

meeter to be handled, then such questions. Neither hath our Prince, God be praised, occasion to convene us for making agreement and concord among us, as the good Emperours had. And as for things to be reformed for the weal of the Kirk, I hear no word of them. I pray God, Satans drift be not to break our agreement, which hath stood so long in Christ. For it is delivered by an ancient Father to this sense, *Nam tyranni Ecclesiam insectando, firmiorem etiam ipsam reddiderunt Sc. Quod cum versipellis ille animadvertisset, aliam fraudem excogitavit, inimicitiasque & funesta dissidia inter duces (Antistites) ipsos excitavit.* And Basile giveth the cause of this plague, writting in this sense, *dissensio multorum contra multos ex eo contingit, quod indignos nos ipsos gubernatione et moderamine Domini constituimus.* Wherefore, Brethren, let us stand fast in our Christian libertie and unitie, *et absit ut inter nos tristi contentione*, as one writeth, *decertemus.* But if the time be come, that the sentence of the Apostle is to be performed, *oportet etiam haereses inter vos esse*, we doubt not but, *qui probati sunt, manifesti fient inter nos.* And if any Act shall passe, as God forbid, contrair any jot of our Christian libertie, agreeable to Gods Word, & the lawes of this Realme, I, in my own name, & in name of the rest of Christs faithful messengers within this Realme, will stand by Gods Grace to the protestation, made verbally by me in his Maj. presence, at the last General Assemblie holden at Edinburgh: For it will not be the new cordes of the *Philistines*, that will keep *Sampson* bound. Howbeit *Moses* would not leave behinde him *ne ungulam quidem*, he was not for that a schismatick: and *Elias* was no troubler of *Israel.* *Hec digne spiritus rei auctor.* Yet I trust, the good Brethren will take my simple meaning in good part. Farewell, good Brethren, & the good Spirit of the Lord be president amongst you. From Saltprestown the 8. of May 1597.

Your loving Brother in Christ John Davidstone.

My simple advice is, if any grant of absolving from Excommunication be made, as I know no cause yet why; yet if others know, that they get *annum probationis* enjoined to them, before they be admitted to Court, or have accesse to sit at the helm. For though they have *Jacobs* voice, yet I fear *Esau's* hands. But it is objected, that this matter will be troublefom unto us, if we stand to it. Answer. It is a new Doctrine to say, that Christ can be without a crosse.

In the sixth Session, the Brethren of the Presbyteries of *Murray, Aberdeen* and *Merns*, with other Brethren joined with them in Commission, declared, that they had found the *Earles* of *Angus, Huntlie* and *Errol* readie to satisfie in all humble manner; and that they did continue in earnest suit for reconciliation with the Kirk. They produced their answers to the Articles and Conditions, prescribed for their trial, subscribed with their hands. The Assemblie ordained the said Commissioners respective to proceed farther with the said Earles, and to receive a full satisfaction in such things, as were promised by them, and to crave the accomplishment, so far as can be performed. That is.

That as they in their answers have vowed and subscribed the whole grounds of Religion affirmative, that with some measure of knowledge they reject and detest all heeds of Poperie contrair to the same.

That they acknowledge the Kirk of Scotland to be the true Kirk.

1597.

That they easoldly join themselves thereto, acknowledge themselves members thereof, submit themselves to the same, & be readie at all occasions to hear the word, & obey the same; participat the Sacraments, and obey the whole Discipline of the Kirk, as is allowed by his *Maj.* and the whole Estate.

That before their absolution, they swear solemnly, and subscribe the Confession of Faith, in presence of the whole Commissioners.

That as they have testified by their writ, even so by their band they promise, to remove out of their company, in all time coming, all Iesuits, Priests and Excommunicat Papists; but such as shall be licentiat by the Kirk.

That at the time of their absolution, they satisfie in most humble manner in the Kirk of *Aberdeen*, and for their former Apostasie, and there ratifie their promises, in most solemne manner.

That the Earle of *Huntlie*, before his absolution, ask God mercie, for the Earle of *Murray's* slaughter, and professe his repentance for the same.

Because their Lordships have promised upon their fidelitie, never to quarrel any Gentleman of the Countrey, that hath pursued, or other-ways troubled them in his *Maj.* service, and at his commandment; and thereby incurred their wrath, to the effect that the fruits thereof may appear more evidently, that their *LL.* promise faithfully, that like as their *Sonnes* have already obtained, or at least are to obtain, of his *Maj.* of meer grace and free donation, the gift of their forfeitures; so the Gentlemen of the Countrey, that are *Vassals* to them, and having incurred the like sentence of forfeiture, and perilled their lands, not through their own evil demerit, but by reason they were *Vassals* to them, may receive and obtain of their *LL.* the like grace, as is imparted to them by their Sovereign; and as his *Maj.* granted a benefite to them, who had offended, even so their *LL.* *Vassals* be not troubled with any composition for their lands, which not through their ow default, but through their *LL.* failzie, were endangered, and put in non-entrie, and that their *LL.* renew their promise of remitting all rancor, and malice of heart against the said Gentlemen.

As to the provision of Kirks, which pertain to every one of the said Earles *respective*, that they, at the advice of their best affectioned friends, and the said Commissioners, set down a solid order, how Ministers may be provided, and honestly sustained at the same, which they shall ratifie and approve, and put in execution, immediatly after their absolution.

That by the advice of the Commissioners, they make choice of a Minister, who shall be intertained in their house, for instruction of the same.

That they renew the Confession of their offences, acknowledging that they were justly excommunicat for the same.

To the effect that slander may be removed from the Earle of *Huntlie*, and specially that which did arise upon the slaughter of *Mr. William Moore*, which was committed, during his Lordships remaining at *Aberdeen*, that his Lordship provide such remedie, that the poor woman; mother to the said *Mr. William*, may be satisfied, and such sythment made for the slaughter, as the Commissioners shall think expedient.

With power to the said Commissioners, after the accomplishment

of the

of the premisses, to absolve the said Earles from the sentence of Excommunication, and to receive them againe in the bosome of the Kirk.

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Thus by pluralitie of prepared votes it was concluded, that the popish Earles should be absolved. Some of the Ministrie were as bent to absolve, as the Earles were to seek absolution. The schisme and rent, which began in *Februar* at *Perth*, becometh now wider at this Assemblie. Whereas the King should have used them as men, so faulted for high treason and unnatural conspiracie, deserved, he hath brought the matter so about, that they are now to be absolved of Excommunication, & a way is prepared from their restauration.

The meeting at *Perth* is acknowledged for an Assemblie. The Articles, given in to that meeting by the King, were explained under colour of satisfaction of such, as were not present at *Perth*, or acquainted with them.

Notes in form of declaration of certain Acts, made in the General Assemblie holden at Perth in Februar last by past, for explaining of his Majesties and the Assemblies meaning, for satisfaction of such as then were not acquainted therewith, which are ordained to be registred in the Acts of this present Assemblie.

First, anent the Lawfulness of the said Assemblie holden at *Perth*, it is declared by this present Assemblie, that one of the reasons moving the Brethren to acknowledge the Lawfulness of the said Assemblie, was found to have been, that the Commissioners of the Kirk accorded with his *Maj.* thereanent, as is expressly set down in his *Maj.* Letter.

The reason moving the Assembly to yeeld the more willingly, concerning the reproof of his *Maj.* lawes, was, that his *Maj.* earnest and constant affection to Religion, and Obedience to the word, was evidently known to the whole Assembly, and that it was his *Maj.* declared will and intention, alwayes to frame his Lawes & whole Government according to the same.

Anent the Article ordaining, that no mans name be expressed in pulpit, except in notorious crimes &c. The point of notoriety is farther defined, if the crime be so manifest and known to the world, *ut nulla tergiversatione celari possit.*

Anent the Article ordaining, that there be no Convention of Pastors, without his *Maj.* knowledge & consent &c. His *Maj.* consent is declared to be extended to all & whatsoever forme; either of General Assemblie, or of particular, permitted & authorized by his *Highness* Lawes, according as they have warrant in the Word of God, as being the most authentick form of consent that any King can give.

Anent the Article concerning provision of Pastors to Burghes, it is declared, that the reason thereof was and is, that his *Maj.* was content, & promised, where the General Assemblie findeth it necessarie, to place any Person or Persons in any of the said Townes, his *Maj.* and the Flock shall either give their consent, or else a sufficient reason of their refusal to be proponed, either to the whole Assemblie, or to a competent number of the Commissioners thereof, as his *Maj.* shall think expedient.

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Answer to the rest of his Maj. questions, as they were proponed by his Highness and his Commissioners, in this present Assemblie.

First, anent the proposition moved by his *Maj.* to the Assemblie, craving, that before the conclusion of any weightie matter, concerning the state of his *Highness*, or of his Subjects, his *Maj.* advice & approbation be craved, that the same being approved by his *Maj.* may have the better execution; and it being required, may be authorized by his *Highness* lawes: the Assemblie craveth most humble, that his *Maj.* either by himself, or by his Commissioners, in matters concerning his *Maj.* Estate, or the whole Estate of his Subjects, & others of great weight and importance, which have not been treated before, would give his advice & approbation, before any final Conclusion be made; & for the better Obedience to be given to any such like Statutes in time coming, that his *Maj.* would ratifie the same, either by Act of his *Highness* Parliament, or Secrer Council, as shall be thought needful: which his *Maj.* promised to do, according to his *Highness* proposition, which was accepted, & allowed by the whole Assemblie.

The Assemblie ordaineth, that there be an uniform order touching ordination of Ministers, throughout the whole Realme, and that with imposition of hands; and that they be admitted to certain flocks, upon which they shall be astricted to attend, according to Acts of Assemblies made before: And ordaineth, that none, that are not admitted to the Ministrie, be permitted to teach in publick and great places, except upon very urgent necessity, in defect of actual Ministers, they be ordained to supplie such wants by the Presbyteries, Provincial or General Assemblies, who shall take order, that they keep themselves within the bounds of their gift, specially in application.

That no Pastor exerce any jurisdiction, either in making of constitutions, or leading of processe, without the advice and concurrence of Session, Presbyteries, Provincial or General Assemblies.

That all Sessions be elected with consent of their own Congregations.

That all Sessions, Presbyteries & Provincials use such forms, in all their processees, as may be found lawful and formal, which shall be registred, in matters of importance; and to that effect ordaines the proceedings of privat Sessions to be sighted at Presbyteries, and the proceedings of Presbyteries at Provincial Assemblies, and the proceedings of the Provincial at the General Assemblies.

The Assembly ordaineth, that in the Exercises, when Ministers are convened at their Presbyteries, no application be used.

That in the determination of matters of importance, where the votes shall be different only in two, or three, nothing be concluded, till better resolution; and that in such difference, he that sustains the negative shall with his vote give *rationem negandi*.

The Assemblie ordaineth the Presbyteries to meddle with nothing in their judicatorie, which shall not be found, without controversie, proper to the Ecclesiastical judgement, & that herein uniformitie be kept throughout the whole Countrey.

That all Processees & Acts be extracted, for the parties having interefs, where there is a written processe.

The Assembly supersedes to answer the Article touching summar

1597.

Excommunication till the next General Assemblie, and in the meantime suspendeth all summar Excommunication. Alwayes in great crimes, the Assemblie ordaineth a publick intimation of the same to be made, and the committer to be suspended *a sacris*, and prohibited *a privato convivio*.

If any Presbyterie shall be desired by his Maj. missive, to stay the proceeding of any thing prejudicial to the civil Jurisdiction, or privat mens rights, it is ordained, that the said Presbyterie shall desist, till they send to his Maj. for satisfaction.

These answers would seem to import some abuses in former times, which were not; or were not allowed, if perhaps at any time committed.

Power was given to some few Ministers to convene with the King, at such times and places as he shall appoint, under colour to keep concord betwixt the King and the Kirk, and to treat upon all matters serving to that use: but in effect to put to execution the Articles, already yielded unto by the greater number, to the grief of the better sort. In a manner, the whole power of the General Assemblie was weakned by this Commission: for the Commissioners, having access to the King when they pleased, and Commission to sit and consult with him, began soon to change their manners. They would rule all, both in and out of General Assemblies, as the King pleased. A fit wedge taken out of the Kirk to rent her with her own; and the very needle which drew in the threed of Episcopacie. The tenor of the Commission followeth.

The tenor of the first general Commission Seff 9. May 16.

The which day, in the presence of the whole Assembly, the Kings Maj. being personally present, declared, that seeing through the shortness of time, there were sundrie matters of weight and importance, not only concerning particular flocks, but which did in special touch the whole Estate and Bodie of the Kirk, which could not commodiously be treated and concluded in this present Assemblie; as namely touching the planting both of particular Congregations, and of the whole Kirks within this Realme, which as yet, through default of honest intertainment, remain unplanted, and destitute of the comfort of the Word; and anent a solid order to be taken anent a constant and perpetual provision, for the sustentation of the whole Ministrie within this Realme, to the end that they be not (as in time by gone) forced to depend and await upon the Commissioners, appointed for modifying of their stipends, & so to absent themselves the most part of the year from their flock, to the great disgrace of their calling, disheartning of the Congregation, discontentment of his Maj. whose care ever hath been, and earnest desire continueth as yet, that every Congregation have a special Pastor, honestly sustained for the better awaiting on his cure, & discharging his dutifull office in the same. Therefore his Maj. desired the Brethren to consider, whether it were expedient, that a general Commission should be granted to a certain number of the most wise & discreet of the Brethren, to convene with his Maj. for effectuating of the premisses. The which his Maj. advice the Assemblie thinketh very necessarie & expedient; and therefore hath given and granted, like as by the tenor hereof they give their full power and Commission to the Brethren underwritten, viz. *Mrs Alexander Douglas, James Nicolson, George Gladstones, Thomas Buchanan, Robert Pont, Robert Rollock,*

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David,

1597.

David Lindsey, Patrick Galloway, John Duncanson, Patrick Sharpe, John Porterfield, James Melvine, William Couper, and John Clappertoun, or any seven of them, to convene with his Maj. betwixt the day of these presents and the last of May instant, with power to them to take solide order, anent the provision of Ministers to the Townes of Edinburgh, Dundie and St. Andrews, his Maj. and the Princes House; to give their advice and judgement to his Maj. anent the planting of every particular Kirk, within this Realme; to make such overtures, as they can best devise, touching the constant plat: and generally to give their advice to his Maj. in all affairs, concerning the weal of the Kirk, and intertainment of peace and obedience to his Maj. within this Realme, with expresse power and command to the said Commissioners, to propone to his Maj. the petitions and grieves, as well of the Kirk in general, as of every Member thereof in particular, as shall be meaned to them promitten. de rato.

Act.

In the eight Session it was ordained, that no Reader minister the Sacrament of Baptisme, nor yet presume to celebrat the Bannes of Marriage, without special command of the Minister of the Kirk, and, if there be no Minister, of the Presbyterie of the bounds: and that this Act be intimat at every Parish Kirk, that none pretend ignorance in time coming.

The corrupt conclusions of the Assembly.

In this corrupt Assemblie, we see the libertie of application and freerebuke of sinne restrained, matters of great importance committed to some few Ministers seeking preferment; howbeit *Mr James Melvine* be numbered among them for the fashion. Summar excommunication for notorious crimes is suspended, and in effect abolished. All Conventions of Pastors, not authorized by the Kings Lawes, discharged. The Popish Earles remitted to the fulfilling of certain conditions, prescribed for absolution and reconciliation, &c. It was an easie matter to draw such, as thirsted for gain and glorie to further the intentions of the Court. All ecclesiastical matters, which were to be treated in General Assemblies, were from henceforth first prepared and dressed at Court by the King, and some selected Commissioners out of that number, and after concluded in full Assemblies. Whereas before, after earnest prayer, searching the Scripture, powerful exhortations, grave reasoning, and mature consultation, matters of importance were determined by uniforme consent of the whole, for the most part. So they were the Kings led horse. It was, as is reported, *Mr. John Lindsey's* advice, some say, *Mr Thomas Hammilton's* then Advocate, given to the King, to divide the Ministers, or other wayes he could not overthrow them.

Mr John Rutherford deposed by the Commissioners.

In the Moneth of June, the King and the Commissioners of the General Assemblie entred to work, & in execution of that new Commission, which was obtained at the last Assemblie, they convened at *Falkland*, called the Presbyterie of *St Andrews* before them, by vertue of a particular commission given to them, upon a complaint made by *Mr John Rutherford*, who was deposed from the Ministrie of *Kinnocher* by the said Presbyterie. They reduced the sentence. He purchased his friendship at Court, by calumnies forged upon *Mr David Black*, and his Ministrie. *Mr David* was a great eye-sore to negligent, loose and unfaithful Ministers, of which number *Mr John* was one. But he liyed in disgrace ever after, and was contemned by the Bishops themselves; because he could serve them to no farther use.

Mr David Black and Mr Robert Wallas removed from St Andrews.

Mr Robert Wallas Minister at *St Andrews* declined the Kings

Com.

1597.

Commissioners convened at *Falkland*, alledging they had no commission to cognosce upon the Secretars complaint against him: because he had offered before the Assemblie to satisfie any, that was offended with his Doctrine; specially the Secretar, so far as was possible without prejudice to the credite of his Ministrie, and losse of a good conscience; and no commission was granted to take any farther trial in that matter. He had in Sermon threatned the examiners of the witnesses, in *Mr David Blacks* action, of which number *Mr John Lindsey* was principal. I have no farther knowledge of this matter for the present. *Mr John Lindsey* Secretar was againe stirred up to prosecute his accusation. So in the moneth of *July*, the King and the Commissioners convened at *St Andrews*, where the King interrupted *Mr Robert* in his Sermon. Whereupon *Mr Andrew Melvine* was sharp with him, howbeit he was not ignorant, that the chief intent of their coming was to trouble himself one way or other. Yet the King & his Commissioners proceed against *Mr David Black*, lately restored to his place in *St Andrews*; he was removed to *Angus*, & *Mr George Gladstones*, a Minister in *Angus*, placed in his room at *St Andrews*, where afterward he is preferred to be Bishop; which was secretly intended at the same time, howbeit then stilly denied. *Mr Robert Rollock*, Moderator of the last Assemblie, and consequently of these meetings of the Commissioners with the King, bewrayed great weakness, which many, that loved him before, construed to be simplicitie. Many accusations and complaints were made against *Mr Andrew Melvine*, at the Visitation of the Universtie. But God so assisted him with courage and utterance, that they could find no advantage against him. Only they made choice of a new Rector; which office, according to the custome, he demitted willingly. Yet to stop the mouthes of the people, and to content strangers, *Polonians, Danes, Low Countrey-men*, drawn hither through the fame of his learning, they made him Dean of the Facultie of Theologie. New orders and lawes were made, which the King and his Commissioners thought fittest for that course; namely, that no Masters or Professors within the Universtie, and in special Professors of Divinitie, sit in the Presbyterie upon matters of Discipline; which was done of purpose to exclude *Mr Andrew Melvine*, and make *Gladstones* possession the more peaceable. In the mean time that they are thus overthrowing one of the chief fortresses of the Kirk, by removing two painful Pastors, placing *Mr George Gladstones* Minister, without consent or advice of the Presbyterie, changing the Rector, and making new Lawes and Orders; they suffered themselves to be intreated to interceed for the Ministers of *Edinburgh*, and craved thanks for such a favour. But this they did to please the Professors in the Countrey, fearing to displease them every way at the first. They moved the King to consent, that the Ministers of *Edinburgh* should continue in their general charge at *Edinburgh*, as before, till the Town were divided in quarters. For they were not content to be removed themselves out of *Edinburgh*, and choose any other place of the Countrey, as the King desired them, lest they should bring a blot upon themselves, but offered to submit themselves to trial; whereupon the King was the more willing to suffer them to reenter to their charge.

In the beginning of *August* the *Earles of Huntlie, Angus and Errol*, were relaxed from the horne by sound of Trumpet at the Market Crosse of *Edinburgh*, and proclaimed the Kings free Subjects.

The Popish Earles relaxed.

1597.
The popish
Earles re-
stored.

Vote in
Parliament
granted to
Ministers.

Upon the 13. of *December* the restauration of the Earles and their Com-
plices to their livings, & honours, was published, & their armes set up
again upon standards.

An entrie was made at this Parliament for erection of Bishops. The
Commissioners of the General Assemblie gave in a petition, in name of the
Kirk, for Ministers to vote in Parliament. There was no mention of it,
in the last Assemblie: and howbeit in former Assemblies it was heavily
regretted, that secular men, possessing the Abbacies and Bishopricks, vot-
ed in Parliament in name of the Kirk, without consent of the Kirk, and
oft times to the prejudice of the Kirk, and craved that some appointed by
themselves might have vote: Yet they never condescended as yet, whe-
ther Ministers, or others chosen by the Kirk, should be appointed to that
effect. Now when it was not craved, the King offered it; and in effect
obtruded it upon the Kirk, but in the Persons of Ministers. The Abbots,
Priors, Lords of Session, and so many of the Nobilitie, as they could
move to assist them, were set against it. But by the Kings earnest dealing
it is effectuall. This was the only way, said corrupt and worldly Mini-
sters, to vindicat the Kirk from povertie and contempt, that some of the
wisest of the Ministrie be chosen to sit in Council, Convention of Estates
and Parliament, where they may reason & vote in their own causes, &
recover the Kirk rents: Whereas before they went to stand at the door,
giving in petitions, and scarce got a good answer after they had waited on
many dayes. The States thought there was no inconvenience in the con-
descending; because they were of opinion, that no honest man in the Mi-
nistrie would take upon him the title of an Abbot, Bishop, Prior; their
Doctrine sounding so many years against the Titles and their Offices.

The Act for Ministers vote in Parliament.

Our Sovereign Lord, and his Highness Estates in Parliament, having
special consideration and regard of the great priviledges and immunities,
granted by his Highness Predecessors of most worthie memorie, to the holy
Kirk within this Realme, and to the special Persons exercising the Offi-
ces, Titles and Dignities of Prelacies within the same: Which Persons
have ever represented one of the Estates of this Realme, in all Conventions
of the said Estates, and that the said priviledges and freedoms have been
from time to time renewed, and conserved in the same integritie and con-
dition, wherein they were at any time before; so that his Maj. acknow-
ledging the same now to be fallen, and come under his Maj. most fa-
vourable protection. Therefore his Maj. of his great zeal, and singular
affection, vvhich he alwayes hath to the advancement of the true Reli-
gion, presently professed vvhithin this Realme, vvith advice & consent of
his Highness Estates, Statutes, Decernes and Declares, that the Kirk
vvithin this Realme, vvherein the same Religion is professed, is the true
and holy Kirk; and that such Pastors and Ministers vvithin the same, as
at any time his Maj. shall please to provide to the Office, Place, Title &
Dignitie of a Bishop, Abbot or other Prelat, shall at any time hereafter
have vote in Parliament, siclike and as freely as any other Ecclesiastical
Prelat had at any time by gone. And also declares, that all & vvhatsoe-
ver Bishopricks, presently vaiking in his Maj. hands, vvich are yet un-
disponed to any Person, or vvich shall happen at any time hereafter to
vaik, shall be only disponed by his Maj. to actual Preachers and Ministers

in the Kirk, or to such other Persons as shall be found apt, and qualified to use and exercise the Office & function of a Minister and Preacher, and who, in their provisions to the said Bishopricks, shall accept in & upon them to be actual Pastors and Ministers, and according thereto shall practise & exerce the same thereafter.

Item, as concerning the Office of the said Persons, to be provided to the said Bishopricks, in their Spiritual Policie and Government in the Kirk, the Estates of Parliament have remitted, and remit, the same to the *Kings Maj.* to be advised, consulted, & agreed upon by his *Highness* with the General Assemblie of the Ministers, at such times, as his *Maj.* shall think expedient to treat with them thereupon, without prejudice alwayes in the mean time of the Jurisdiction and Discipline of the Kirk, established by Acts of Parliaments, made in any time preceeding, and permitted by the said Acts to all General and Provincial Assemblies, and others whatsoever Presbyteries and Sessions of the Kirk.

So at this Parliament, both the Popish Earles were restored, and Vote in Parliament was granted to Ministers.

After the King had obtained this Act, the Commissioners of the General Assemblie appoint an Assemblie to be holden in *March*, & sent their missives to the Presbyteries for that effect. The tenor of their missive, sent to the Presbyterie of *Hadintoun*, here followeth.

Grace and peace from God the Father of our Lord Jesus Christ

Beloved Brethren, as we have found continuance of mercie in staying the desolation, which was already begun, according to many threatnings against the contempt of this land; so we see, through lack of due consideration and foresight in such, as principally should have the most tender care of this work, and partly through the subtile wayes of dissembling friends, good occasions are likely to be turned to our hurt, unlesse remedie be wisely provided in time. For this cause we have thought it needful, and by consent of his *Maj.* concluded, that the General Assemblie, which was ordained to be in *May*, should hold, the first tuesday of *March* next, at *Dundie*, for preventing of inconveniences, that delay of time might draw to further evil, and for taking solid resolution in such things, as are necessarie to be deliberated upon, concerning the Kirks Vote in Parliament, & some other necessarie points; whereanent, for your better information, we have thought expedient to acquaint you with the effect of our travels here at this time.

According as it hath been the continual custome of the Kirk, at Parliaments, to crave such things as were found necessary to passe in Law, for their well and priviledges; so with advice of diverse Commissioners of Presbyteries, we found it requisite to insist in such Articles, as have been craved by the Kirk at Parliaments in times by past; and namely we urged the Article anent the Kirks Vote in Parliament, & the Article anent the universal provision of the whole Kirks with stipends. In both we found great opposition by the far greatest part of the Lords. But the *Kings Maj.* convoyed our suit with such wisdom and dexteritie in our favours, that in end, after many hard reasonings, his *Maj.* procured, that he might dispone the whole great benefices to Ministers; and that such Ministers, as should be admitted thereto, should have Vote, without prejudice alwayes to the present Discipline and Jurisdiction of the Kirk, in any part; as ye

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will understand by the Act it self, whereof we have sent you here a copie. Which his *Maj.* thinks shall be a mean in short time to vindicate the Ministrie from their present contempt and povertie. And this is alreadie perceived by many to their grief, who fear their hurt in our credit. For this cause, we have been earnestly requested by sundrie of the wisest of all Estates, who most favour the good cause, that without scruple we should accept this good occasion. The which point of present acceptation was urged by the Lords so straitly, that unlesse we would presently give our consent thereto, in name of the Kirk, they would not suffer the foresaid Act to passe in our favours. Yet his *Maj.* was so favourable toward us, and so careful to save our credit, and eschew offence, that by his moyen all is reserved free to this Assemblie for our part. Therefore we beseech you, Brethren, to have a regard hereof with such wisdom and care, as is necessarie in a matter of so great importance, and send in Commission to the said Assemblie the most wise, grave, & of best credit and experience among you, so far as infirmitie & age may suffer; that good occasion may be used at this time, as that the good may be taken without any hurt, so far as it is possible.

Anent the Plat and provision of stipends at every Kirk, commission is given to a number of Lords & Ministers, who are to essay that work with all diligence. and to crave your further help in the information anent the estate of the Kirks: Which therefore ye shall take pains to have in readines, as ye shall be required upon the next advertisement. The Lord direct you in all sinceritie and wisdom, that ye may find a blessing upon your labours alwayes. From *Edinburgh* the 22. day of *December* 1597.

Your Brethren and fellow-labourers, the Commissioners of the General Assemblie, and in their name and command Mr Robert Rollock, Moderator of the General Assemblie.

Many fair pretences in this Letter, and much dissimulation; but the event proved, they had no sincere meaning in their proceedings. For this Vote in Parliament was the foundation of their Episcopacie, to the which they were aspiring; and the King and they were contriving the means. They have given proof alreadie, what the Kirk may look for at their hands, both by their dealing in the two Assemblies by past, as also in execution of their procured Commission, when they reposed *Mr John Rutherford*, and removed *Mr David Black* and *Mr Robert Wallas* &c.

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Ministers
obtruded
upon *Edin-*
burgh.

The Commissioners of the General Assemblie urge the Ministers of *Edinburgh* to take them to particular flocks within the Town. This they were willing to do. But the greatest controversie stood in choosing of their colleagues; which was not left free to them and their Congregations. There was great opposition made to the entrie of two young men, *Mr George Robison* and *Mr Peter Hewart*. But at last the Commissioners would needs have them placed.

Vote in
Parliament
agitated in
the Synod
of *Fyfe*.

In the Synod of *Lothian* holden at *Edinburgh* in the end of *Februar*, there was hote reasoning about the Kirks Vote in Parliament, but the sincerer sort prevailed. The Synod of *Fyfe* was holden in the same moneth. The Commissioners of the General Assemblie directed their Letter to

them,

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them, agreeing in substance with the Letter written to the Presbyterie of *Hadintoun*, and withall the Act of Parliament abovementioned. *Sir Patrick Murray* was directed to them by the King. *Mr James Melvine* perceiving, that many inclined to imbrace the offer, discovered the mystery of the matter; and shewed, that if once it be found profitable or expedient, that Ministers should have Vote in Parliament, it behoved these Ministers to be Bishops and Prelats, or else they were not to be admitted: And so they should build up that, which they had been destroying in former times. *Mr Andrew Melvine* insisted upon the same point. *Mr Thomas Buchanan* alledged, he had no place in the Assembly; meaning by reason of the Act made lately by the King and the Commissioners, at the last visitation of the Universitie. *Mr Andrew* answered, it hath been my profession to solve questions out of the word, & place to reason, vote and moderat in Assemblies, when yours was only to teach the grammar rules. *David Ferguson*, the eldest Minister in Scotland at that time, discoursed upon the travels the Kirk had taken, both by Doctrine from pulpits, and in Assemblies, to purge the Kirk of Bishops: But now, saith he, I perceive a purpose to erect them of new again; which is conveyed after such a manner, as I can compare the conveyer to nothing more fitly, then to that, which the *Grecians* used for the overthrow of the ancient citie and town of *Troy*, busking up a brave horse & by a crafty *Sinon* perswading them to demolish a part of the wall with their own hands, to receive in that for their honour and welfare, which served for their utter wrack & destruction. Therefore I will with the two Brethren, who have already given warning, cry, *equo ne credite Teucuri*. *Mr John Davidson* being present, said, *Busk, Busk, Busk him, as bonlie as ye can, and bring him in as fairly as ye will, we see him well enough, we see the hornes of his miter*.

Upon saturday the 25. of *Februar* began a fearful eclipse, about nine hours in the morning, which continued about two hours; the whole face of the sun seemed to be covered and darkened, about half an quarter of an hour, so that none could read upon a book. The sea and air were still. Fowles flocking together mourned in their kind: The frogs made an hideous noise: people were astonished, as if it had been the day of judgement. The like fearful eclipse of the sun, and appearance of falling stars from the heaven, were seen in *France*, when men of chief note were intised by flattering gifts, to agree upon a midst betwixt Papists and Protestants; which had been effectuall, if God had not cut them off after a strange manner, as *Mr James Melvine* observeth in his memorials.

The General Assemblie convened at *Dundie* the seventh of *March*. *Mr Peter Bleckburn* Minister at *Aberdeen* by pluralitie of votes, specially of Northland Ministers and Barones, was chosen Moderator. After calling of the roll of the Commissioners, *Mr Andrew Melvine* was challenged by the King for coming to the Assemblie, seing by his Authoritie he was discharged from all Assemblies. He answered, he had a Doctoral charge in the Kirk, which was Ecclesiastical: But the King would suffer nothing to be done, till *Mr Andrew* was removed. He was commanded by the King to keep his lodging. Upon wednesday the eight, *Mr Patrick Galloway* had a flattering sermon, & exhorted to a confused peace, without due distinction betwixt peace in God, and peace in the Devil. The Assessors were elected by the King, against all ordet. Nothing of moment was done the first two dayes, but Ministers sent for to the King. Upon

thursday

A fearful
eclipse.A General
Assemblie
at Dundie.

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The grievances of some Presbyteries buried.

The Commissioners proceedings approved.

Commissioners to plant Edinburgh.

The King declared himself reconciled with the Ministers of Edinburgh.

thursday the ninth, *Mr Andrew Melvine & Mr John Johnston*, Professors of Theologie in *St Andrews*, were charged to depart out of the Town, under the pain of horning. When the Assembly convened, *Mr John Davidson* said, there was wrong done to the Assemblie, in discharging *Mr Andrew Melvine* and *Mr John Johnston*. I will not hear one word of that, said the King twice, or thrice. We must crave help then, said *Mr John*, of him that will hear us.

In the fourth Session, the Commissioners of the General Assemblie were called to give an account of their proceedings. *Mr James Nicolson* in name of the rest produced the register of their proceedings, which were read. Commissioners from sundrie Presbyteries, specially in *Lothian* and *Fyfe*, gave in their grievances. A number of Brethren was appointed to consider their grievances, and the Commissioners answers. In the sixth Session, there was much altercation about the grievances, so that the like was not heard, in any of our Assemblies since the reformation. Papists and Politicians were brought in to take their pastime, and gather matter of slander: But the King tearing, that his purpose to set up Bishops should not succeed that way, laboured to have the grievances buried; & to please the Ministrie, promised to deal with the tacksmen of the tithes for augmentation of the dutie of their tacks. Whereupon a number of the Presbyteries being removed, that had given in their grievances, and debarred from voting in trial of the Commissioners, the grievances and the Commissioners answers were read in the seventh Session; and after voting it was concluded, that the processes and proceedings of the said Commissioners should be ratified in that part, and the said grievances and answers buried and obliterated, for continuing of peace and quietness in the Kirk.

In the sixth Session, the proceedings of the Commissioners of the General Assemblie, anent the planting of *St Andrews*, and the trial of *Mr John Rutherford's* deposition, were allowed, and *Mr Robert Wallas* loosed from the sentence of suspension, pronounced by the said Commissioners, providing he satisfie my Lord of *Menmoore*, *Mr John Lindsey*, by advice of *Mrs David Lindsey*, *Robert Bruce* and *Robert Rollock*, that he may serve in such place, as the Kirk shall think fittest.

In the eighth Session, Commission was given to *Mrs Robert Rollock*, *David Lindsey*, *Robert Pont*, *Patrick Galloway*, *John Duncanson*, *James Nicolson*, *Thomas Buchanan*, *George Gladstones*, or any five of them, to convene with his Maj. to put the decret of the Commissioners of the General Assemblie, anent the planting of *Edinburgh*, in further execution, and to place the Ministers of *Edinburgh* at their particular Flocks. The Ministers of *Edinburgh* were likewise ordained to obey the said decret, by accepting every one of them their own particular Flocks, under the pain of deprivation from their Ministrie.

In the tenth Session, sundrie Brethren desirous to be satisfied out of the Kings own mouth, concerning his minde to some of the Ministrie, & specially toward the Ministrie of *Edinburgh*, He declared himself to be contented and satisfied with the Ministers; and that he did bear no grudge at any of them, for any accidents, which have fallen out at any time by gone, and that the famine should never be remembred in any time coming. The Ministers of *Edinburgh* likewise consented never to call to remembrance any of these accidents fallen out in time by gone, nor to make mention of them in privat speeches, or publick sermons.

The

The Commission of the General Assemblie not being suspected by the greatest number, and having gained, by the Kings assistance and dealing, many corrupt Ministers to their course, the general Commission was renewed in the *tenth* Session, as followeth.

The which day, in presence of the whole Assemblie, the *Kings Maj.* having declared his advice, anent the necessitie of Commissioner to be appointed by the General Assemblie, to await and concurre with his *Maj.* for bringing to a finall end the longsome work of the constant Plat: for planting of Ministers, at the principal Burghs within this Realme, in case any of their places shall happen to vaik, before the next General Assemblie: for awaiting upon the Parliament, if there shall be any, and craving redresse of such things, wherewith Ministers finde themselves grieved: and finally for redressing of such enormities, and awaiting upon such good occasions, as may fall out before the next General Assemblie. Desiring therefore, that the Brethren would consider the necessitie foresaid, and according to their discretion, whether it were expedient, that a Commission should be granted to certain of the most wise and discreet of the Brethren, for the causes foresaid. The which his *Maj.* advice the Assemblie thinketh very needful and expedient; and therefore hath given and granted, like as they by the tenor hereof give and grant their full Power and Commission to *Mrs Patrick Blackburne, James Nicolson, Andrew Mill, Alexander Douglas, John Ramsey, Thomas Buchanan, David Ferguson, William Cranston, George Gladstones, Alexander Lindsey, Henrie Levingston, Robert Pont, David Lindsey, Robert Rollock, John Hall, John Clappertoun, John Knox, Gawine Hammiltoun, Andrew Knox* and his *Maj.* and the Princes Ministers, or any nine of them, to convene with his *Maj.* at such time and place, as shall be found expedient, with power to them, or any nine of them, to convene with his *Maj.* anent the setting down, and concluding of the solid grounds and foundations of the constant Plat, and what securitie shall be made unto the tacksmen for the remanent of their tithes: which grounds being set down by them, they shall make every Presbyterie within the Realme privie to the same. And in case the said Presbyteries, by their Commissioners, or by themselves, after visitation of the said grounds and conclusions, ratifie and approve the same, with power to the said Commissioners, or any nine of them, to convene hereafter with his *Maj.* and Lords of his Privie Council, having the power of the Parliament to that effect; and there to put a finall end and conclusion to the constant Plat, and solide planting of every particular Kirk within this Realme; with power also to the said Commissioners, or any nine of them, to plant sufficient Ministers in the principal Burrowes of this Realme, in case the Ministrie of the same shall happen to vaik, betwixt and the next General Assembly. And in special to take care anent the provision of Ministers to his *Maj.* and the Princes House, the Kirks of *Dumfreis* and *New Abbay*; with power also to the said Commissioners, or any nine of them, to await upon the Parliament, if there shall be any before the next Assemblie, and give in grievances to the same, desiring them to be redressed; and to give their advice to his *Maj.* for avoiding and eschewing of any dangers or inconveniences, which may be likely to fall out, in prejudice of the Kirk: & likewise, in case his *Maj.* finde himself grieved, or crave redresse of any enormitie done to his *Hightness* by any of the Ministrie, with power to them,

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or any nine of them, to sit and cognosce upon the famine : wherein, for their better information in the crime or fact, that shall happen to be committed, they shall crave the advice of the most discreet of the Presbyterie, where the person offender dwelleth, as they shall think expedient, and thereafter proceed, in taking trial of the fact by themselves, and conclude therein, as shall be most expedient to the glorie of God, and peace and quietness of the Kirk within this Realme. And finally, with expresse power & command to the said Commissioners, to propone to his *Maj.* at their Conventions, the Petitions and Grievances, as well of this Assemblie in general, as of every Member thereof in particular, as shall be meant unto them, *Promitten. de rato.*

Touching the foresaid Commission granted for redresse of such things, as shall happen his *Maj.* to be offended with, in the person of any of the Ministrie, his *Maj.* declared, in presence of the whole Assemblie, that howbeit the whole power of cognoscing in such matters be devolved upon the persons of the Commissioners, who should concur with his *Hightness* to that effect : nevertheless his *Maj.* minde is no wayes to trouble the Commissioners with any such matter, unlesse first it be notoriously known, that the Presbyterie, where the offender maketh residence, hath gotten knowledge of the fact, & either hath altogether neglected the trial thereof, or not satisfied his *Maj.* with the punishment inflicted upon the offender.

The intent of the Commission.

This woful Commission was obtained, before the chief question was proponed, concerning the Vote of the Kirk in Parliament, which otherwayes had not been so easily granted. The chief end of it was to put in execution the Articles concluded at *Perth*, and explained in the former Assemblie holden at *Dundie*, to trouble zealous Ministers that were faithful in application of their Doctrine, & to plant Burrowes Townes; that so the way might be the better prepared by removing, or holding out the worthiest out of the most eminent places, & by suppressing of any clear discovery in Pulpit of the present corruptions.

Vote in Parliament aimed at.

The chief end wherefore this Assemblie was convocat, was to obtain the consent of the Assembly to Ministers Vote in Parliament. They had spent the whole week before in other matters, to wearie a number of the Ministers, that in their absence they might effectuall their purpose the more easily. The King had an Harangue, wherein he declared, what great care he had to adorne and commodat the Kirk, to remove all Controversies, to establish the Discipline, and to restore the Patrimonie. To effectuall this, he said, it was needful, that Ministers should have Vote in Parliament, without which, the Kirk could not be vindicat from povertie & contempt. I minde not, said he, to bring - in Papistical or Anglican Bishops; but only to have the best and wisest of the Ministrie, appointed by the General Assemblie, to have place in Council and Parliament, to sit upon their own affairs, and not to stand alwayes at the door, like poor supplicants despised and nothing regarded. This his intention he uttered with protestations, in the *tenth* Session, and some of the Commissioners, specially the same that were aspiring to Bishopricks, did the like.

Reasoning about Vote in Parliament.

In the *eleventh* Session notwithstanding there was hote disputation about Vote in Parliament, *Mr John Davidson* took occasion to complaine, that *Mr Andrew Melvine* was debarred from the Assemblie. Now it was evidently seen wherefore he was debarred, partly by the Act made at the Visitation of the Universitie of *St Andrews* by the King & Commissioners of the General Assemblie, discharging the Professors of Theologie

from

from meddling in matters of Discipline; & partly by the Kings own command at the same Assemblie. *Mrs Robert Bruce, James Melvine, John Carmichael, John Davidson, William Aird* and sundrie others maintained, that Ministers should not have vote in Parliament. *Mr George Gladstones* alledged, that the whole Subjects were divided in *tres ordines*, in respect of their living in the Commonwealth; and therefore the Kirk must be one Estate. *Mr Davidson* answered, we hold not our livings of Kings or Estates. Because *Mr George* had said, we have Vote in *rogandis & ferendis legibus*: *Mr Davidson* answered, no other wayes then as is said among the Romans, *presentibus Sacerdotibus, & divina exponentibus; sed non suffragia habentibus*. Where have you that, said the King? In *Titus Livius*, said he. Are you going, said the King, from the Scripture to *Titus Livius*? No, said *Mr John*; but for the Roman phrase, which *Mr George* alledged; I alledge the Roman practice to expresse my minde. The place *2. Chro. 19.* was much agitat betwixt *Mr Thomas Buchanan* and *Mr John Carmichael*. The King was forced to commend *Mr John* for his acutness. *Mr James Melvine* had his large part in reasoning, which he repeated and enlarged afterward, in the conference holden at *Montrose* in the General Assemblie anno 1660. to which place we referre them. But to what use served reasoning, where men were either won or dashed; *Mr Gilbert Bodie*, a drunken *Orknay* asse, was first called on, and led the ring, when the matter was put to voting, and a great number of the North followed, all for the Bodie, with small regard to the Spirit. Yet a great number of the sincerer sort voted directly in the contraire: a third were mistaken both in reasoning and voting. The number, that carried away the affirmative, were not such as laboured in the word, but others wanting Commission. Yet notwithstanding of their help, and the Kings Authoritie, bewraying himself a plain partie, they exceeded the sincerer sort only by ten Votes. The Act, as it lyeth in the Register, here followeth.

Sess. 11. Forasmuch as the Commissioners of the General Assemblie, at the Parliament in *December* last by past, upon an earnest zeal, which they did alwayes bear to the weal of the Kirk, had given in certain Articles to the Lords of Parliament, concerning the liberty of the Kirk; and in special had craved, that the Ministrie, as representing the true Kirk of God within this Realme, and so being the third Estate of the Realme, might have Vote in Parliament, according to the lovable Acts and Constitutions made of before in Parliament, in favours of the Freedom and Liberties of the Kirk; which their travels and endeavours, proceeding alwayes upon a Godly intention, they submitted to the censures of this present Assemblie, desiring the Brethren to allow or disallow the same, as they should think most expedient for the glorie of God, and establishing of the true Religion within this Realme: whereupon the Brethren, being ripely advised, allowed the honest and Godly intention of the Commissioners, in craving Vote in Parliament for the Ministrie, as conforme & agreeing with sundrie other Acts of the Assemblies preceeding, in which it has been found expedient, that the Kirk should suite Vote in Parliament.

Forasmuch as his Maj. willing to utter his good intention, that he hath alwayes borne to the establishing of the true Kirk of God within this Realme, declared, that for the better performance thereof his Maj. had assisted the Commissioners of the last Assemblie, in craving Vote in Parliament in name of the Kirk; vvhich their suit, albeit in some part, and as it

The Act
anent Vote
in Parlia-
ment.

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were in a certain manner, was granted by the Lords of Parliament : yet the acceptation thereof, the forme, and whole circumstances of the persons, were reserved to this General Assemblie to be accepted or refused, as the Kirk should think expedient. And seeing his *Maj* had anticipated the appointed time of the Assemblie, and desired the Brethren to convene at this present time, specially for the cause foresaid. Therefore his *Maj*. desired that the Brethren would enter in a particular consideration of the whole points of the said Act, in every particular point thereof : and first to reason, in publick audience of the whole Assemblie, whether it were lawful and expedient, that the Ministrie, as representing the Kirk undoubtedly within this Realme, should have Vote in Parliament, or not. The said question being at very great length reasoned and debated *in utramque partem*, in presence of the whole Brethren, and thereafter voted, the General Assemblie votes, findes and concludes, that it is necessary and expedient for the weal of the Kirk, that the Ministrie, as the third Estate of this Realme, in name of the Kirk have Vote in Parliament.

Mr Davidson's oppositions to the proceedings of the Assemblie.

It is untrue that is here alledged, that the Kirk before craved, that the Ministrie might have Vote in Parliament, as the third Estate : for howbeit Vote in Parliament was sought in former Assemblies; yet it was not determined; whether Ministers or others should vote in Parliament, in name of the Kirk. *Mr John Davidson* desired the Assembly not to be sudden, in concluding such weightie matters; and commended the custome of the *Romans*, who, *in rogandis & ferendis legibus*, gave *trinundinum spacium* to ponder and examine; but no answer was given. See ye not, Brethren, said he, how bonily the Bishop beginneth to creep up, *novus palliatus Episcopus*? Have we not done much to it, that have so long striven against corruption, to bring forth such a birth now. His vote being asked, he refused to vote, in respect he saw no freedome in that Assemblie. He protested in his own name, and in name of other Brethren that would adhere to his protestation, that they disassented from all their proceedings: which here, said he, I presente in writ, that it may be insert in the books of the Assemblie. That shall not be granted, said the King: See, if ye have voted and reasoned before. Never, *Sir*, said he, but without prejudice of any Protestation made, and to be made; which words I used sundrie times before I spake. He presented the Protestation in writ, which was reached from hand to hand, till it was laid down before the Clerk. The King taketh it up, and readeth it, sheweth it to the Moderator and others about, and at last putteth it up in his pocket. The tenor of the Protestation here followeth.

Mr Davidson's Protestation.

This is to deplore by writ, Right Reverend in Christ, according to your appointment, when otherwayes I was interrupted the other day to speak in the Assembly *viva voce*, (as ye know) the great Corruption, Confusion and Disorder in our General Assemblies, and the great Inconveniences that have followed thereupon in the Kirk, since the injurious discharge of the lawful Commissioners thereof by publick Proclamation at the Crosse of *Edinburgh*, in *November* bygone a year; namely at *Perth*, *Dundie*, at the last General Assemblie; and now at this most of all, wherein that freedom, due to a free General Assemblie, is utterly denyed unto us, as at more length shall be qualified in time and place, if need shall require: as also to declare, that I adhere to my former Protestation made by word before his *Maj*. at the General Assemblie holden last at *Edinburgh*, and

by writ ordained to be insert in the books of the General Assemblie, at the last General Assemblie in this Town, that it may be lawful to me, and such other Brethren of the Ministrie, as will adhere to the said Protestation, to use our wonted freedom in our Ministrie, according to the Word of God, and good Lawes and practick of this Realme; notwithstanding of any Law or Act made, or to be made in the contrair. And finallie of new to protest in my own name, and in name of all such Brethren as shall think good to hold hand to the common cause, that we disassent from all the proceedings in this, and the other two foresaid Assemblies, as not having the priviledge of free Assemblies permitted unto them, till the next better constitute and advised Assemblie: Which protestation I desire earnestly to be insert presently in the books of this Assembly.

They proceed notwithstanding of all this opposition. Howbeit there was diversitie of judgement among those that would have the Kirk the third Estate in Parliament; some desiring Commissioners to be chosen by the Kirk, as Barones and Burgeses are chosen; Others willing to accept Vote in Parliament upon what condition soever it might be had. It was concluded by pluralitie of Votes, concerning the number & election of the Voters, and such other points, as followeth.

Seß. 12. Concerning the number of the Ministrie, that should have Vote in Parliament, in name of the Kirk, it was likewise concluded and thought expedient, that as many of them should be chosen for Vote in Parliament, as were wont of Old in time of the Papistical Kirk to be Bishops, Abbots and Pryors, that had the like libertie, *Videlicet* to the number of 51. or thereby. *Item* after reasoning it was voted and concluded, that the election of such of the Ministrie, as should have Vote in Parliament, ought to be of a mixed qualitie, and appertain partly to his *Maj.* and partly to the Kirk. And because, through shortness of time, the Brethren could not be perfectly resolved, in the remanent heeds & circumstances concerning the Office of him, that should have Vote in Parliament, *videlicet*, *de modo eligendi*; of his rent; of the continuance of his Office, whether he should be chosen *ad culpam*, or not; of his name; of the cautions for preserving of him from corruption, and such other circumstances. Therefore the Assemblie ordaineth every Presbyterie to be ripely and thoroughly advised with the heeds abovewritten; and thereafter to convocat their Synodal Assemblies through the whole Countrey, upon one day, which shall be upon the first tuesday of *June* next to come, and there, after new reasoning, and advising with the particular heeds abovewritten, that every Synod choose out three of the wisest of their number, who shall be readie, upon his *Maj.* advertisement, (which shall be upon a moneths warning at the least) to convene with his *Maj.* together with the Doctors of the Universities, *videlicet*, *Mrs Andrew Melvine*, *John Johnstoun*, *Robert Rollock*, *Patrick Sharpe*, *Robert Howie*, *Robert wilkie* & *James Martine*, such day and place as his *Maj.* shall think expedient, with power to them to treat, reason and conferre upon the said heeds, and others appertaining thereto; and in case of agreement and uniformitie of opinions, to Vote, and conclude the whole question touching Vote in Parliament: Otherwayes, in case of discrepance and variance, to referre the conclusion thereof to the next General Assemblie.

The King, & such as aspired to Prelacies, purposed to passe through many points, and devised some caveats for ranging the Voter in Parlia-

The number of the Voters &c.

Wherefore the rest of the points were continued.

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ment in order, and to keep him free of Popish and Anglican corruption, that he might be the more easily imbraced. But when the Caveats were read, they perceived, that many Brethren, who assented to the maine point, began to skarre: Therefore they were content at this time with the number of the Voters, and referred the manner of election, the Cautions & other points to another time. Here ye may observe, that Mr *Andrew Melvine* and other Professors were allowed to convene with the Commissioners of Synods, and to reason upon the rest of the points. But this was denied to them, till the maine point was past. Next, this libertie is allowed to them only at a meeting, which shall not have power to conclude, but in the case of agreement & uniformitie of opinions. And the event proved, that that meeting was only to trie the force of the reasons, that were to be used by the sincerer sort, that the dint of them might be avoided in the Assemblie following, were these points were to be concluded.

Mr David-
sons prote-
station not
registred.

After the dissolving of this Session, Mr *Davidson* went out of the Town. Much ado there was afternoon about his Protestation. The King demanded, who would stand to it. Howbeit many were malecontent, yet they kept silence. Mr *Thomas Buchanan* would have had him presently censured: Others would have had him remitted to the Presbyterie. The Assembly in end discharged the Clerk to insert his Protestation in their books. He had scarce landed on this side of *Dundie* ferrie, when many of the Brethren overtook him, and subscribed the Protestation, to the number of three or four score. But when he came to *St Andrews*, it was thought expedient to cut off the names, and burne them in the fire.

There were other Acts made in the Assembly, touching other matters.

Sess. 3. It is statute and ordained, that in all time coming every Provincial Assemblie send the Acts of the Synod, made since the General Assembly preceeding, with their Commissioners directed by them, to the next General Assembly, to the effect the Brethren of the General Assembly may take trial and cognition, that the proceedings of every particular Synod be carried *ordine, et decenter*; and so allow or disallow of them, as they shall think meet; & that this order begin at the next General Assembly.

Sess. 5.

It is statute and ordained, that no Persons be coupled together in marriage, unlesse they be thrice lawfully proclaimed at their own parish Kirk, according to the consuetude observed, within this Realme: And in case of contraveening the same, that the Minister be deprived of his Office, and the parties ordained to satisfie the Kirk by publick repentance.

It is ordained, that no pictures nor images be carried about at burials, under the pain of the censures of the Kirk.

Sess. 12.

For better observing of the Presbyteries, it is statute and ordained, that every Presbyterie shall assemble themselves once orderly each week, in full number, at least so many of them as have their residence within eight miles neer to the place of the ordinarie Convention of the Presbyterie. That every member of the Presbyterie studie the text, whereupon the exercise is to be made. That a common heed of Religion be treated every moneth in every Presbyterie, both by way of discourse, and disputation. That every Pastor have a weekly Exercise of Instruction, & Examination of a part of his Congregation, in the Catechisme.

Because

Because the question anent summar Excommunication, for lack of time, cannot be commodiously treated at this present; therefore the Brethren continue the same till the next Assembly, and in the mean time suspend all summar Excommunication.

1598.
Sess.ultima

Because there hath been no order set down hitherto, anent the number of Commissioners to be direct from every Presbytery to the General Assemblie: Therefore it is statute and ordained, that in time coming three of the wisest and gravest of the Brethren, at the most, shall be directed from every Presbyterie as Commissioners to every Assemblie; and that none presume to come without Commission, except he have a special complaint: And that the Clerk of the Assemblie take heed that he receive no more in Commission, but three allanerly, as said is: And likewise that one be directed from every Presbyterie, in name of the Barones, and one out of every Burgh, except *Edinburgh*, which shall have power to direct two Commissioners to the General Assembly.

Mr Peter Bleckburne was ordained, in the second Session, to give in writ, in the name of the rest of the Brethren in the North, to whom commission was given, the whole forme of absolving the Earles of *Huntlie*, *Angus* and *Errol*, & their satisfaction to the Articles injoined to them, in the last Assemblie, to the effect the same may be registred in the books of the Assembly.

The popish
Earles ab-
solved.

After that the Assemblie was dissolved, the King directed *Mrs William Melvine* and *David Makgil* Senators of the Colledge of justice, with Commission to the Presbyterie of *Hadintoun*, to complain upon *Mr John Davidsons* carriage in the last Assembly. But the action after lingering at length was deserted.

Upon the 14. of *April* the Commissioners of the General Assemblie appointed to see *Edinburgh* planted, called the Ministers of *Edinburgh* before them. The King being present, the Moderator asked the Ministers, if they were content to accept a part of the Town for their particular Flock. They answered, they were readie. But *Mr Robert Bruce* was ordained in particular to accept the ceremonie of imposition of hands. *Mr Robert* refused imposition of hands, if it were required as a signe of Ordination, but was content to accept it as a ceremonie of entrie to a particular Flock, or else as a ceremonie of confirmation in his calling. They refuse, till at last they were brought to promise to subscribe some few lines testifying, that they acknowledge him to have been a lawful Pastor before. But when it came to the point, & the Ministers were to be received in their several quarters upon the 18. of *April*, *Mr Walter Balcanquhal* and *Mr John Robison* in the North east quarter; *Mr William Watson* & *Mr John Hall* in the South east; *Mr Robert Rollock* and *Mr Peter Hewat* in the South west; *Mr Robert Bruce* and *Mr James Balfour* in the North west, they refuse to subscribe. *Mr Robert Pont*, *Mr Thomas Buchanan* and *Mr James Nicolson* were appointed to attend upon the Action, in the Little Kirk, where *Mr Robert Bruce* was to be received. *Mr Robert Pont*, having ended his sermon, urged him with imposition of hands. He craved licence to make his answer in the pulpit. *Mr Robert Pont* giveth him place; and so they both were standing in the pulpit at one time, which was an uncouth sight. There he proved before the people, that he lacked nothing that was essential to a lawful calling: Yet now, saith he, it pleaseth the Lord to exercise me by the calling of my former calling in doubt; and the Commissioners of the General Assemblie have urged me with a new Ordination to the

Mr Robert Bruce his admission to a particular flock in *Edinburgh*.

Ministrie,

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Ministrie, as if I had never been a Minister at *Edinburgh*. This new Ordination I cannot accept, unlesse I would proclaim my self to have run un-sent to his people, these eleven years by gone. As to the ceremonie, because I take it to be indifferent, and it may serve as well for Confirmation, as Ordination, I will not refuse it, if it may please you, saith he, (directing his speech to these three) only subscribe this ticket, that I may be sure ye mean no other thing: But they refused, notwithstanding of the request of the Bailiffe *Cornelius Ingles*: But the Elders, sitting upon the fumes before the pulpit, and *Mr Robert* then beside them, cried with a loud voice, taking him by the hand, *we acknowledge him to be our Pastor*, and requested *Mr Robert Pont* to give the blessing, and to admit: But he refused, and went to prayer, and so ended. The people were much moved to see their beloved Pastor so used. The Commissioners make a dangerous report to the King. *Mr Robert Bruce* went down the day following to the King, accompanied with some honest citizens: But the Commissioners prevented him. They denied before the King, that they promised to subscribe any such lines, as he alledged. They denied likewise, that they called him a lawful Pastor; which he offered to prove by sundrie witnesses. The King was plain with them, that he had not a lawful calling to be Pastor of *Edinburgh*; and said, none there thought otherways. The King asked first at *Mr Robert Pont*, what he thought? He was not resolved what to answer. *Mr David Lindsey* answered, he could not say, he was their lawful Pastor, wanting imposition of hands. *Mr Robert Rollock*, *Mr Thomas Buchanan*, *Mr James Nicolson*, *Mr Patrick Galloway* and *John Duncanson* said the like in effect. They ordain, that he be deprived, unlesse he obey their first ordinance, betwixt and the ninth of *May*. After he had heard their ordinance, he thanked God, and said to the King, I hope, you shall not charge me wrong in this cause, if it were to the very scaffold. When he came forth, his friends advised him, to go in again, and to appeal from their Ordinance to the General Assemblie. So he sent for a Notar, went in, when *Mr James Balfour* was called on, appealeth to the General Assembly, and taketh instruments. After the receipt of the charge, brought to him by *Mr David Lindsey*, he took his leave in the pulpit the fifth of *May*. In the meantime, the Brethren of the Presbyterie of *Edinburgh*, all without contradiction, upon the second of *May*, acknowledged him to be a lawful Pastor of the Kirk of *Edinburgh*, by whom God had wrought effectually in the said pastoral Charge, and by whose travels the whole Kirk and themselves had received great comfort: And this testimonie was given to him, subscribed by the Clerk. The Presbyterie sent some of their numbers to deal with the Commissioners; but they could not agree upon a forme of write to be subscribed. Upon the 16. of *May*, *Mr Robert* proponed to the Presbyterie of *Edinburgh*, and other Brethren coveened out of sundrie quarters, if they thought it fit, that he should take a new Ordination to the Ministrie, or not. They declared it was not their minde. Afternoon the Commissioners conven with the Presbyterie, and many of their Brethren. Some formes were devised: But *Mr Robert* would not agree to any, unlesse they specified in plaine termes, that the imposition of hands, which they urged, was not to be used for Ordination to the Ministrie. The Commissioners refuse, & offer rather Admission without all ceremonie. He is content to receive Admission, as the rest had it. At last they were brought to condescend, that his words be insert. The

King

King being informed, how hardly matters past, yeelded also. Upon the 19. of *May* *Mr Robert Pont* preached in the little Kirk, and after the forme of the Declaration in writ agreed upon was read, came down from the Pulpit, and laid hands on him, and upon *Mr James Balfour* his Colleague: for *Mr James Balfour* had never gotten imposition of hands before, more then *Mr Robert*, notwithstanding that they thus vexed him. The Elders of the North West quarter sitting beside, received them as Pastors to that particular flock.

It is to be observed, that this imposition of hands, whereabout this businesse was made, was holden for a ceremonie unnecessarie and indifferent, in our Kirk, while that now, when they are laying the foundation of the Episcopacie, it was urged as neccessare. For it being laid as a ground, that none can receive Ordination to the Ministrie, without imposition of hands, and that the ceremonie is proper to Bishops, it behoved to follow, that none could enter in the Ministrie, without imposition of hands by Bishops: and yet did they even then stifie, or I may say impudently, deny, that they were hatching this woful Episcopacie.

Since the last General Assemy, all the care the King and Commissioners had, was to procure such Commissioners from Synods to the meeting, which was to be appointed, as did favour the Kings course. The Lord *Tungland* & *Sir Patr. Murray* were directed by the King to the Synod of *Fife*, convened in *Dunfermline*, in the moneth of *June*. At this Synod, the Presbyteries gave in their judgements upon these questions. 1. After what manner he shall be chosen, that shall have Vote in Parliament. *Couper* Presbyterie, directed by *Mr Thomas Buchanan*, thought that the Kirk should nominate five or six; out of which the King should choose one. The other three Presbyteries agreed in one, to wit, that the Kirk should make choise of their own Commissioners, & the King should accept them, as the Barones and Burghs do. 2. How long they should continue. *Couper* Presbyterie thought, *totà vità, nisi interveniat culpa*. The other three, from one General Assemblie to another. 3. Concerning the name & title. *Couper* Presbyterie would have it a matter indifferent, whether they were called Bishops, or Commissioners. The other three thought the consequence of the name of greater importance; because the name of Bishop now importeth corruption, or tyrannie in the Kirk; & therefore that they should be called Commissioners of the Kirk. 4. Concerning the rent. All agreed, that the rent should be without hurt of other Kirks, & not hinder the dissolution of benefices. *Mr James Melvine* protested for his own part, he would not meddle with the blocking of the matter, in any sort: for, as he saw it working, the best form of it would bring in tyrannie and corruption, to the wrack of the Kirk. The Kings Commissioners were careful to have such three chosen for the Conference, as favoured the Kings course most. In end, they found the way to put in the leates a good number of the three sincere Presbyteries, that they might be rid of their Votes, & having dealt with the rest, they obtained their intent. For *Mrs Thomas Buchanan*, *George Gladstones* & *John Fairful* were chosen Commissioners by pluralitie of Votes. When the sincerer sort perceived, that they were circumveened, they would yeeld to no other Commission, but to report faithfully their judgement anent the questions, to reason, vote and conclude according to the same; and to see, *ne quid Ecclesia detrimenti capiat*.

About the end of *June*, it was concluded in a Convention of the Estates, that Munday should be a play day, or a day of Vacance for the Session. The

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Wherefore
imposition
of hands
urged.

A Synod
in Fife.

Munday a
play day.

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A convention of Commissioners at Falkland.

The Assembly prorogat.

Mr Patrick Simpson's exhortation.

The law of free Monarchies printed.

1599. Bishop of Glasgow the Kings Ambassadour.

Libertie for May-games. A convention of Ministers at St Andrews.

A letter from the King to the Pope.

Bishop of *Galloway*, a fugitive out of the Countrey ever since the reformation of Religion, was restored to his Honours, Rents and Dignities.

The Commissioners from Synods convened at *Falkland*, in the moneth of *July*. The King and the Commissioners of the General Assemblie found not such furtherance to their course, as they expected. What was concluded by pluralitie of votes, was reported to the General Assembly following, to which place we referre it: and somewhat thereof is touched in the Conference at *Halyrudhouse*, in the year following.

The General Assemblie, which was appointed to be holden in *July* the year following, was prorogat by Proclamation, that the King and the Commissioners of the General Assembly might have leasure, to dresse matters for it.

About the end of *August*, Mr *Patrick Simpson* Minister at *Stirling* exhorted the King, to beware that he drew not upon himself a secret wrath, in setting up manifest and profest Idolaters. Immediately after Sermon, the King stood up, and forbad him to meddle with these matters. The Ministers of *Edinburgh* found fault with his behaviour, and with restoring of an idolatrous Priest, meaning the Bishop of *Glasgow*.

In *September* the Kings Book, entituled the *Law of free Monarchies*, was printed. The bent of it was directed against the course of Gods work, in the Reformation of our Kirk, and else where, as rebellious to Kings.

Beatoun, Bishop of *Glasgow*, was not only restored to his benefice, but also authorized with Embassage for his Maj. in *France*.

A Proclamation was made at the Crosse of *Edinburgh*, for libertie of May-games.

In the meeting of the King and Commissioners with sundrie other Ministers, at *St Andrews*, in the beginning of *July*, the King & the Commissioners obtained a Reconciliation & profession of Brotherly Love; as if the difference had been only in opinion and judgement, concerning the Acts and Conclusions, which were already past, when as there was intention, in the mean time, upon their part, to follow forth their purpose of the Alteration of the Government of the Church. Under the colour of peace and concord, they advance their own course.

In this moneth of *July*, there came an Ambassadour from *France*, called *Monsieur Bethune*, for renewing the ancient League betwixt *France* and *Scotland*. He had in his companie a Priest, who celebrated Masse where-soever he was in the Countrey. The Archbishop of *Glasgow*, considering the prejudice the King sustained for lack of credite and intelligence, at the Court of *Rome*; & that by the publishing of *Dolman's* Book, & by the pains taken by the King of *Spaine*, for the advancement of the *Infanta* her title to *England*, whereby the Kings right was the lesse respected; and knowing Pope *Clement* to be zealous of the Grandour of *Spaine*, made a motion to Secretar *Elphinstoun*, how convenient it was, that some correspondence should be kept betwixt the King, and the Pope. Secretar *Elphinstoun* taketh hold of the opportunitie of the time to make this motion: because the French Ambassadour, who was the Archbishops tender friend, was immediately after his returning to *France*, to be directed Ambassadour for the King of *France* to *Rome*. He moveth the King to write to the Pope, to desire that a Scottish Man might be a Cardinal, to intertain correspondence betwixt them. The Bishop of *Vaizon* was thought fittest for the purpose. Sir *Edward Drummond*, who was married in *Vaizon*, a neer kinsman to Secretar *Elphinstoun*, came to *Scotland* to sollicite the business. The Secre-

rate draweth up this letter following to the Pope, and Instructions to Sir Edward Drummond, whereof Sir Edward vvas the vrritter.

1599.

Beatissime Pater.

Cum varijs ad nos perlatum fuisset rumoribus, quam diligenter nostræ sortis æmuli sæpius egissent, ut Authoritatis vestræ acies in nos distringeretur, quaque constantia id, pro vestra prudentia, hætenus fuerit recusatum, committere noluimus, quin accepti memores beneficij gratias ageremus, opportunam nacti occasionem; cum lator præsentium, natione nostras, vester ascriptitius, in fines ditionis vestræ reverteretur, quem, pro sua indole vestris ornatum beneficijs, Vestræ Sanctitati commendamus, ut eum, in ijs quæ nostro nomine habet impertienda, audire placide non dedignetur. Et quia adversus malevolorum calumnias, qui nostras in Catholicos injurias falsò commemorando, nobis invidiam, & ipsi gratiam conciliant, nullum tutius remedium agnoscimus, quam ut i nostratibus aliqui, veritatis studiosi, quantumvis à Religione, quam nos à primâ hausimus infantia abhorrentes, honestam in curiâ Romanâ demorandi occasionem semper haberent, ex quibus Vestra Sanctitas certo possit, quo instatutres nostræ sint, ediscere: hoc nomine Episcopum Vazouensem commendamus, qui, ut sortis suæ qualecunque incrementum Vestræ Sanctitati duntaxat refert acceptum, ita Cardinalatûs honorem prioribus beneficijs nostrâ præsertim gratiâ adjici, obnixè rogamus. Sic inimicorum cessabunt calumniæ, præsentibus qui rerum gestarum veritatem possunt astruere; nec actionum nostrarum ullam æquos rerum aestimatores cupimus latere, qui in eâ Religionis, quam prostemur, puritate enutriti, sic semper statuimus nihil melius tutiusque, quam citra fucum in ijs promovendis, quæ divini numinis gloriam serio spectant, pie contendere, & remotis invidiæ stimulis, non tam quid Religionis inane nomen, quam veræ pietatis sacrosancta tessera requirit, charitatis semper adhibito fomento diligenter consideraturi. Sed quia de his copiosus cum latore præsentium, viro non inerudito, & in rebus nostris mediocriter versato, differuimus, longioris epistola tædio censuimus abstinentum. E Scâ cruce 24. Septembris 1590.

Beatudinis V. obsequentissimus filius.

Summa mandatorum Edwardi Drummond, quem ad Pontificem Maximum, magnum Ducem Hetruriæ, Ducem Sabandiæ, cæterosque Principes & Cardinales, ablegamus.

Salutabis imprimis nostro nomine, quam potes officiosissime, Pontificem Maximum, cæterosque Principes & Cardinales, datisque nostris literis fiduciarijs, significabis.

Cupere nos vehementer, eum quem decet, amoris & benevolentie modum cum ijs conservare, omnemque removere non suspicionem modo, sed & suspensionis levissimam quamcumque occasionem.

Quod quamvis in eâ persistimus Religione, quam à teneris hausimus annis, non tamen ita esse charitatis expertes, quin de Christianis omnibus benè sentiamus; modò in officio primum erga Deum Optimum Maximum; deinde Magistratus, quorum imperio subsumt, permanserint.

Nullam nos unquam sevitiam contra quoscunque Catholicos Religionis ergò exercuisse.

Exoptare ne mendacijs & calumnijs inimici tantum possint, ut iniqui aliquid de nobis Pontifex Maximus, & celeberrimum Cardinalium Collegium, nisi prius adhibita veritatis indagine, velit statuere.

1599.

Et quia plurimum interest nostris rebus, ut pari diligentia, quam malevoli mentiuntur, nos per amicos & subditos veritatem possimus adstruere.

Idcirco inniteris in hoc totis viribus, ut Pontifex maximus, tam rogatu nostro, quam precibus illustrium Principum, quos per literas nostras ad hoc rogavimus, ut ad hoc induci possit, ut Episcopus Vazionensis in Cardinalium collegium asciscatur; in quo si profeceris, ut de eo redditi fuerimus certiores, ulterius progrediemur.

Cavebis ne in hoc negotio ad Pontificem maximum, aut illustrissimos Cardinales, ulterius progrediaris, nisi primum subsit spes optati eventus.

Of the effects which followed upon this employment, ye shall hear hereafter in the own place.

Mr John
Dijkes
pursued.

In the moneth of *October* certain passages drawn out of the Kings Book, entituled *Basilicon Doron*, were given-in to the Synod of *Fife*, whereby the Kings minde in matters of the Kirk was clearly discovered. As that paritie among Ministers cannot agree with a Monarchie. Without Bishops the three Estates in Parliament cannot be established. The Ministers fought to establish a Democracie in the Land, and to bear the sway of all the Government, that by time they think to draw the Politie and Civil Government, by the example of the Ecclesiastical, to the same paritie. That no man is to be hated more of a King, then a proud Puritan. That the chief of them are not to be suffered to brook the Land, &c. The Reader may peruse the Book it self. There were few copies of the first impression, and these few were committed to some few: Yet a Minister in *Fife* came to the sight of one of them. *Mr John Dijkes* Minister at *Kilbrinnie* was suspected to be the giver-in of these extracted passages. The King, knowing that none durst exhibite the Book it self, sent *Mr Francis Bothuel* to apprehend him: but he escaped.

The summe of the conference holden at *Halyrudhouse* the
17. of *November* 1599.

The King, with advice of the Commissioners of the General Assembly, fearing the like opposition at the next Assemblie, which he found at the last, or greater, thought meet to appoint this Conference, and to call unto it zealous and fierie Ministers, as they called them, and modest, grave, wise and indifferent; to reason peaceable, that a way may be prepared to an orderly and peaceable Assemblie, wherein the matters, to be reasoned upon, might be concluded. Libertie was offered to every one to reason freely, and to declare his judgement, both upon things concluded in Assemblies and Conferences, and on such things as were yet in deliberation. But it was not their intention to alter any Conclusion that was past. The Brethren, that stood for the established Discipline, and dissented from whatsoever Acts, Ordinances and Constitutions, made in the late Assemblies of the new forme, prejudicial to the same, answered, they neither could, nor would reason in these matters, partly because they were not prepared before; partly because they would not prejudice the Assemblie following; Where they purposed by Gods grace, if they had a calling, to utter their minde clearly & fullie, as God shall enable them. It was answered, that there was no prejudice meant to the Assemblie, but only a preparation: and in case any now, having occasion to speak,

being

being written for by the King for that effect, conceal his judgement and his reasons, to stand on the head of a faction after, at the Assemblie, he may be counted a false knave. But the true cause, moving the King and them to urge the sincerer sort in this manner, was partly to essay, if that they could be drawn to consent, that their reasons might be made known & foreseen, before the Assemblie came. Yet the Brethren, being thus urged, yeelded, protesting alwayes that the Assemblie be not prejudged, and libertie be left to them to add after, as they might be able. So the Conclusion of the Assemblie at Dundie was read, and the heeds treated on at the Convention holden at Falkland, & the Caveats.

They begin at the chief point, to wit, Vote in Parliament, which was already concluded. This argument was used by the other partie. Ministers are *cives* and *libera capita*: And therefore according to Policie ought to give their consent to the making of Lawes in Parliament. It was answered, it is to be doubted, if their consent be necessary: But put case it be, they consent to the Law in Parliament, either by Lords, Barones of the shire, or Commissioners of the Burghs, where they were borne or remaine; as to their Ministrie, it is no civil Burgeship. If there be occasion to consult with the mouth of the Lord, the Commissioners, directed from the General Assembly, should be heard. The Kings partie upon this Principle, *Evangelium non destruit politiam*, assumed, *atqui hac est pars politiae*. It was replied, That heathnish, turkish and Jewish Policie might stand with the Gospel. But that Ministers should Vote in Parliament, is no part of the Gospel. The sincerer sort alledged for their judgement, that Ministers should not be involved or intangled with the affairs of this life, namely, of Policie, Civil judicatorie, and affairs of the Commonwealth. And proved it by a place in *2 Timoth. 2*. Where the word *πραγματια* signifieth properly affairs of Law, Jurisdiction and ruling of the Commonwealth, as *1 Cor. 6*. *πραγμα* is taken for a civil action or cause. It was answered by the other partie, that that place taketh not away natural, oeconomicall and civil duties, which may be done so that a Minister intangle not himself therein, to the hinderance of his calling. It was granted, that there were certain duties and simple actions to be discharged now and then for Nature, oeconomic, Policie, by every one, and so by Ministers also, for the help of their chief and proper callings. But it was answered, there is great difference betwixt actions & duties, to be done at certain times and occasions upon urgent necessitie, and the discharging of a certain ordinarie Office in a Commonwealth, namely, in the two chiefest points of Majestie and Princely Estate, *νομοθετικη* and *δικαστικη*, that is, the making of Lawes, and judging of the Subjects according to the same, in Parliaments, Councils and Conventions of Estates, which could not be done, without intangling and involving in the affairs of this life; & consequently not without distraction from the chief charge: For that is said to intangle the warrior, which hindereth him from the dutie of a souldier, and pleasing his Captain. It was plainly affirmed, they never knew nor felt the weight of the Ministerial charge, that thought an Office of Civil Government might be overtaken therewith. Mettrily vvas cast in the speech of the Queen of England, vwhen she bestovved a Bishoprick, *Alas! for pitie*, said she, *we have marred a good Preacher to day*. The King vvas exhorted not to marr Preachers, after that manner. One alledged the place *Luk. 9*. Where Christ vwill not have needful, naturall and oeconomicall duties, as to burie the dead, taking order vvith the

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house &c. to stay the preaching of the Gospel, and attending upon the Ministrie: And inferred, how much more incompetent Offices? It was alledged, the Apostles would not leave the preaching of the word, for an Ecclesiastical Office, but appointed Deacons to that effect: Much lesse should Ministers leave Preaching of the word, for civil and impertinent Offices. Again Ministers *Rom. 1.* are said to be separat and set apart, to wit, from the occupation of this life. The Lords Ministrie under the Law is called a warfare *Numb. 4.* And his Ministers warriours; much more the Ministrie of the new Testament. The Apostle obtesteth to be instant *in season and out of season, to correct, reprove, exhort with all long suffering; to take care of these things; to be about these things.* Christ's threefold demand of Peter pertaineth to all Ministers. It was replied, that they fell in the same absurditie with Papists, that gathered their single life out of the Words of the Apostle *1 Cor. 7. Conjugatus curat quæ sunt mundi, ut placeat uxori.* If one, having the Pastoral charge, may have the charge of wife and a familie, why not likewise in the Commonwealth? He that careth not for his familie is worse then an infidel. It was answered, That the Papists argument was frivolous, drawn from the abuse of marriage, to the taking away of the benefite thereof, it being ordained by God, and serving for help of a man in his calling. By caring for the familie, he meaneth instruction, and ruling in christian Discipline, as is evident by the word *1 Cor. 3. Chap. v. 4. For if a man know not how to rule his own house, how shall he take care of the Kirk of God?* The Apostle *1 Cor. 9.* is clear, that the flocks should provide for the Pastors & their families, the things that are needful for this life, as the Captain and Prince for the souldiers: And they should be made free to attend on their service. But here in this matter of voting in Parliament, Councils and Conventions, was seen an evident distraction. It was answered, there was as much distraction & time spent in Commissions, Visitations, waiting upon the plats, pleading for stipends, attending on Parliaments and Conventions, to present Articles & petitions. It was replied, Some of these were wants and imperfections in our Kirk, the blame whereof lay upon the Magistrats and the flocks, complained upon at all occasions: *Jam queritur, quid fieri debeat, non quid fiat?* As for Commissioners for Visitation, we are then occupied in our own calling, in preaching of the Word, exercising Discipline and the Censures; and that not ordinarily, or by set Office; but *ex necessitate Ecclesiæ*, and *pro re nata*. Yet said the other partie, we granted to obey to come to the Kings Maj. whensoever he called for us, which was all one with that in question. It was answered, his Maj. now and then calling for us, we might repair to his Highness, & give our advice *de jure Devino*, so that the benefite, redounding to the Kirk and Commonwealth thereby, weigheth down the hurt of our particular Charges. But it was *longe aliud* to have an ordinarie Office to discharge in the Kings Council, and Parliament; that there is a great difference betwixt a certain action to be done now and then, as necessitie and occasion craveth, & a set Office to be discharged ordinarily. It was objected, that the General Assemblie had alwayes from time to time craved, that the Kirk might have Vote in Parliament; and now when the King had offered it, it was hardlie taken, and refused. It was answered, that the Assemblie had often craved, that none should Vote in Parliament in name of the Kirk, but such as did bear Office in the Kirk, and had a Commission from the same. But it was denied, that any General

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Assemblie before the last holden at *Dundie*, had determined, that Ministers should Vote in Parliament. It was shewed, that that question had been often agitat in Assemblies, but it could never be found, how it could stand with the Office of a Minister, to be a Lord in Parliament. It was then demanded, who could Vote for the Kirk, if not Ministers? It was answered, if the Kirk should have any Vote at all, it might better stand with the Office of an Elder or Deacon, having Commission from the Kirk, & being subject to render an account at the General Assembly. It was objected, that the Kirk was in possession of Voting in Parliament by Bishops, since the reformation, viz. *Mrs John Douglas, Patrick Adamson, David Cunningham* and others. It was answered, since the General Assembly holden at *Dundie Anno 1580*. Where the Office of a Bishop was damned, the Ministerie declaimed continually against them; and excepted against all their proceedings in Parliament, or else vvhhere, as having no lawfull Office in the Kirk, nor Commission from the same. There were other arguments alledged, but not insisted upon for lack of time, as that it imported Dominion, & Titles of vvordly Dignities, as to be called Lords &c. vvhich Christ hath forbidden *Matth. 20. Luke. 22*. And the confounding and mingling of jurisdictions, distinguished by the Word of God. For proof of this last was alledged *2 Chro. 19*. And *Quis constituit me iudicem*; and *Date quæ sunt Cæsaris Cæsari; et quæ sunt Dei, Deo*. How Christ refused to divide the inheritance among Brethren, to judge the adulteresse, to be made King; & professed his Kingdome was not of this vvorld. Here was deduced at length by *Mr Andrew Melvine*, by vvhat means and degrees the Pope ascended up to that chair of Pestilence, vvhere he usurpeth the Povver of both the Syvords, & Authoritie over Kings and Commonvvealths. In end, a vveightie caveat was given to the King, to bevvare he set not up such as vvould cast him or his dovvyn aftervvard.

Against the perpetuities of the Office of him that should Vote in Parliament, the distraction from their calling, was againe much urged. It was made clear, that such a continual charge, lying upon some few, could not but debauch them, and distract them alluterly from feeding their flock; and so force them to commit the cure to some Suffragans & Vicars.

On the other side, these reasons were used. 1. No man vvould take pains, or bestovv expenses upon the Title of the Benefice, to render it the next year to another. It was answered, we were not to see to mens particular commoditie, but what may be best for the Kirk of God, and good of the Commonwealth. The second reason, if these Common men should be changeable, they could neither attain to skill, nor have time to bring things, that were begun, to some point, for want of constant attendance. It was answered, they might attain to more skill in the lawes of men, but lesse in the book of God; and attend more on the Court and the World, but lesse on the Kirk and Christs Kingdome. It is hard to perswade us, that some few will see so much for the weal of the Kirk, as the whole General Assembly, convened for that effect; or follow forth a good Common Cause better and more constantly; seeing experience hath alwayes taught, that those, who will be rich and honorable, are much occupied about riches and honours; but little for Christs Kirk. Farther they alledged these Inconveniences. First, it would break the barres of all their Caveats; and without doubt establish Lordship over their Brethren, time strengthening opinion, and custome confirming conceite.

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And if the best devices have turned by time corruption, much more may this, the lawfulness whereof may justly be called in question. *Next*, perpetuities will bereave the Kirk of the benefite of election and choise of the meetest for the time, *pro rei nata commodo*: for every man was not meetest for every turne &c. It was answered, the meetest being chosen at the first, they would grow meeter; & that it is free to the Kirk to joine to them, such as they pleased, for counsel and assistance. It was replied, that such as shall be joined, shall not be heard to Reason or Vote in Parliaments, Conventions, or Council. *Thirdly*, many alterations befall mortal men, they may be sick, fall in offences, which may disgrace them, howbeit they deserve not Deposition; so that they will be unable, and unmeet to do any good in Common affairs; they may lose the gifts of the minde, and utterance &c. A Commissioner will not be admitted in his place, and so the Kirk shall be defrauded of one in that room. It was answered, that the number of fiftie was so great, that howbeit One, Three, Four, Ten were absent, or unprofitable, there was a sufficient number resting. It was replied, it would be long ere such a number were provided with Lords livings in Scotland; & howbeit there were, there might be sufficient, & more then sufficient in respect of their goodness; and one good man might be more steedable to the Kirk, then fiftie one of that sort. *Fourthly*, if these men serve for the Prince and Estate, howbeit against the weal of the Kirk, the Prince will maintaine them by his Authoritie and moyen, having their sustentation and living in his pover: Or howbeit the Assembly would depose them from their Ministrie; yet would the King cause them retain their Lordship, & living; and so they shall set themselves to be avenged on the Kirk. It was answered, there was nothing so good, but it might be suspected and abused; and so we shall be content with nothing. It was replied, we doubt of the goodness, & have too just cause to suspect the evil of it. It was answered, there is no doubt, but we are all true enough to the craft. It was replied, God make us all true enough to Christ. Again this perpetuities will overthrow the power and libertie of Assemblies, and change the Christian Government of the Kirk into an Antichristian Hierarchie, by placing perpetual Commissioners, and Bishops above Ministers, and their Assemblies. At least, the whole power of the Kirk at General Assemblies, would be devolved in the hands of twelve or thirteen men, who, I warrant you, will take no limited Commission from the General Assemblies; but will Reason and Vote, as they think best. So in steed of a General Assembly, we shall have a Chapter of these Bishops, and scarce so much. It was answered, the Caveats have provided sufficiently for all these inconveniences. It was replied, these Caveats would be tedious to read, and hard to remember. Then the other side alledged inconveniences which might fall out, if the Voters were not perpetual. 1. That his Maj. and Estates would not admit them otherwayes, and so we shall lose a great benefite. It was answered, *facilis est jactura*. 2. That Ministers shall lye in contempt and povertie. It was answered, it was their Masters case before them: Better povertie with sinceritie, then promotion with corruption. 3. Others will be promoted: For his Maj. cannot want one of these three Estates, and it will oppress the Kirk. It was answered, Let Christ, the avenger of wrongs done to his Kirk, and them meet together, as he hath done before, and see vvho receiveth the vvorst. 4. That it could not stand either

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with the weal of the King, Kirk or Commonwealth. *Answer*, it was best that God thought best. 5. It will be fashious and confused every year to chosse Commissioners. It was *answered*, no profite nor pleasure without paines and we had proof by experience, that it was most easie and orderly. 6. It will breed variance and contention, while some will prease to have such, and some to have another. It was *answered*, take away honour & profite, & contention will cease. 7. Men shall that way be disgraced, being now set up, & now set by; and so discouraged from doing any good. It was *answered*, he that thinks it disgrace to be imployed, as the Kirk of God shall think good, there is little grace in him; for grace is given to the lowlie.

After they had insisted three or four houres upon the two former heeds, they entred upon the Name or Title, these Voters in Parliament should bear. It was alledged on the one side; that, agreeing upon the matter and substance, the name was no great matter; and seeing the last Parliament had consented to the matter under condition, that the Ministers Voting in Parliament should bear the name of *Bishops*, which was a Scripture-name: and therefore that the other side should make no scruple to agree thereto, lest the refusing of the name should make the benefite to be refused, which his *Maj.* had obtained in favours of the Kirk, not without great pains and difficultie. It was *answered*, that the name *being* a Scripture-name, might be given to them, providing that, because there was some thing more added to the nature of a Bishops Office, then the Word of God permitteth, it should have a little eek put to it, which the Word of God joineth to it. So it were best to give them the name, which *Peter 1. Ep. chap. 4.* giveth to such like Officers, calling them *murderers*, were it not they would think shame to be marshalled with such as *Peter* speaketh of in that place, *viz.* Murderers, Thieves and Malefactors. This was brought in by *Mr. Andrew Melvine* as a knack: but in earnest it was reasoned thus, that the name of a Bishop could not be given to them, for these reasons following, which were not fully handled, nor replied unto, partly for want of time, partly for want of patience to hear. 1. If they should get the name of a Bishop, they behoved to have it, either as it was taken properly in the word, or as it was commonly conceived by the people. If as it is in the word, it should be applied to signifie that, which cannot stand with the word, except it were *Judas his Episcopatus*. If as commonly taken, then it should import the corruption of *Antichristian* and *Anglican Bishops*, contrare to the Caveats. 2. That which offendeth the Kirk of God should be eschewed, although a thing indifferent: for so it becometh evil. But the name of *Bishop* offendeth the Kirk of God. *Ergo.* 3. That, which may justly bring slander and disgrace upon the Ministers, should be avoided: but the giving of this name will bring on just scandal on the Ministrie. Because these twenty years bygone their Doctrine from Pulpit has sounded against Bishops, till they were utterly overthrown. Will it not then offer just occasion of slander to turne their tongue, and change their note, for hope of riches or promotion? 4. That which may, and will bring in tyrannie and corruption in the Kirk, is not be admitted. But this will do it: for bearing that name, which carrieth with it the signification of Bishops corruption, among the people, all the Caveats will not restrain them from keeping preeminence, and Lordship over their Bre-

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thren : for they will be so esteemed, and saluted among the rest of the Lords in Court, and Parliament. And I warrant you, their manners and fashions will be easily framed thereunto, and bring from Court to Kirk such behaviour as they drink in there : for being called *My Lords* at every word, and possessing principal rooms in Kirk and Parliament, they will look soure, if they want the same stiles in the Kirk, and among the Brethren; yea and be avenged at the Bar, at Court, or otherwise, on them, whom they think do contemn them, and do not give them their stiles and honours. They were dismissed late for that night.

Upon the 19. of *November*, the Moderator repeated shortly the last dayes conference, and enquired if there were any that were not yet satisfied, touching the heeds conferred upon. If all were satisfied, they would proceed in the point, concerning the Name. It was answered plainly by the Brethren, that opposed to this new forged Bishop, that they were rather confirmed in the truth after the reasoning, and had heard nothing out of the word, which might warrant that Conclusion of the last Assemblie to their conscience, or any thing already builded, or to be builded thereupon. *Mr Andrew Melvill* appealed the Moderator, *Mr David Lindsay*, on his conscience, seeing he had been present at many godly and grave Assemblies for many years, wherein these points were clearly decided, how he could now make such a proposition; or think that any man, settled in the truth, could by a light conference, wherein the Word of God had been rather profaned, then holily, reverently and gravely used, be moved to alter his judgement, or be satisfied in the contrare? The word of profaning the Scripture was taken in evil part by the King, and answered courteously with a lie; howbeit the Speaker condemned himself, as well as any other. In end the King, breaking off the Conference, said, he had been moved by the Commissioners to appoint this Conference, for satisfaction of such, as were not resolved, that their proceeding in matters might be the more peaceable. But seeing he perceived men to be full of their own conceits, and preoccupied in judgement, that they pleasure themselves more and more, & were rather confirmed in their opinions, then moved to give place to reason, he would leave the matter to the Assemblie. If the Assemblie would receive the benefite which he offered, and conclude in the matter accordingly, he would ratifie their Conclusion with a sanction, that none, following their particular conceit and opinion, should be permitted to speak against the publick Ordinance of the Assemblie. If the Assembly would not embrace the benefite, let the blame lye upon themselves, if povertie and contempt fall upon the Kirk. As for himself, he could not want one of his Estates. He would place such in those rooms, as he thought good, who would do their durie to Him, & his Countrey. The true causes, moving him to appoint this Conference, ye heard in the beginning. Whether reason prevailed on his side, ye may also consider.

Upon the tenth of *December* the Nobilitie and Estates convened at *Edinburgh*. It was appointed, that the year should begin the first day of *Januar*, which heretofore began the twenty fifth of *March*. Which account we have kept from the beginning of this Historie.

The Ordinare General Assemblie was appointed at the last Assemblie to be holden at *Aberdeen*, the first Tuesday of *July* 1599:

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A General
Assembly
holden at
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But the time and the place were changed by the Kings Proclamations; partly, because matters were not well prepared; but chiefly to the intent, that the King might bereave the Kirk of the libertie it had of holding Assemblies, twice in the year, and after *prorenata*, and to have it absolutly in his own power, and that there might be time and leasure to dresse & prepare a General Assemblée, for the purpose that was in hand; and so to undo the Kirk by her self, that is, by such Conventions, as should bear the name of General Assemblies. Diverse meetings were kept since the last Assembly; But the King, and Commissioners not finding the successe they expected, the Assemblée was prorogāt, and at last appointed to be holden at *Montrose* the 28. of *March*.

Mr Peter Blackburne Moderator of the last Assemblée, made the exhortation, in the beginning of the Assemblée, and delivered good & sound Doctrine: but was induced to recant it in effect afternoon, before the whole Assemblée. A step from a precise honest Minister, to a Bishop of the new stamp.

Brethren of chief note were put upon the leates for a new election. By this trick the chief ringleaders of the sincerer sort were removed, and the Votes of the rest were divided, some voting to one, some to another. But those that were set for the Kings course, laid all the Votes upon one, to wit, *Mr Robert Wilkie*. So *Mr Robert Wilkie* was chosen Moderator by pluralitie of Votes.

The next policie was to put the chief of the whole Assembly upon the Conference, that thereby they might know what to bring in publick, and how. In the privie conference a treatie for unitie in opinions was first intended; as if there had never been occasion of grief ministred by the proceedings of the General Assemblée. Four were chosen for each side to conferre apart, upon hope, that upon their agreement would follow an universal agreement. *Mr George Gladstones, James Nicolson, Robert Howie, Alexander Douglas* were chosen for the Kings side, and *Mr John Spotswood*, afterward Bishop of *St Andrews*, to be their scribe. *Mr's Patrick Sharpe, Patrick Simpson, James Melvine, David Barclay* for the other side, and N. to be their scribe. They were enjoined to put their reasons in writ. They begin to reason the matter *ab ovo*, to define a Parliament, and what it is to Vote in Parliament. The King hearing of this, discharged them to meddle with that point, which was very necessarie to be cleared, before they proceeded any further. But no remedie. Yet these eight spent the time very fruitfully a whole afternoon. The four that stood for the established Discipline, vvere plaine, square & compendious, after protestation, before God for secrecie; and indeed some good vvas expected. But the day following, the King vwould have the reasoning in the privie Conference before himself, and some of the privie Council. So it vvas reasoned at length, vvhether Vote in Parliament, as it vvas offered to the Kirk in the Statute made in the last Parliament, should be accepted, or not? Those that stood for the established Discipline, used many reasons to prove, that the Constitution of the General Assemblée holden at *Dundie* 1598. taken according to the meaning of the Act of Parliament, made anent Vote of Ministers in Parliament, is flatly repugnant to the Word of God.

1. Antichristian and Anglican Episcopal Dignities, Offices, Places, Titles, & all Ecclesiastical Prelacies are flatly repugnant to the Word of God *Luk. 22. 1. Tim. 3. Tit. 1. 1. Pet. 5.* But such is that vvhich is set

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down in the Act of Parliament, and meant in effect by the Constitution of the said Assemblie. It was *answered*, that all corruptions of these Bishopricks were damned and rejected; and that the Act of Parliament was formed by such, as envied the well of the Kirk, of purpose that the benefite might be refused, and the Kirk lye still under the old miserie and contempt. They were denying that which they were doing, and were bringing-in the same corruptions, which they confesse were rejected. The King was plaine, in his *Basilicon Doron*: but the Book was not come to light.

2. That Ministers, separat from the common affairs of the world, sanctified and consecrat to the Ministrie, should turne again to the world, bear a common office and charge therein, and for the affairs thereof, is repugnant to the word of God. *Num. 3. 44. 45. Numb. 18. 6. Deut. 10. 8. and 18. 12. Acts 13. 2. Rom 1. 1.* But so it is, that this constitution will lay that burden upon Ministers: for by it, it is determined to be of a mixed qualitie, partly Civil, and partly Ecclesiastical; and by the Act of Parliament, whereto it has reference, to the Ministrie is joined an Office, which is to be bestowed by the King, called the Office and Dignitie of a Bishop, or Ecclesiastical Prelat. This argument was *answered* by denying the Assumption, which was to deny the Act of Parliament, and the Conclusion of the Assemblie; or that they were to bear any charge or office in things civil.

3. If most necessary, natural, oeconomicall duties, yea and ecclesiastical offices, should not distract Ministers from the preaching of the word *Luk. 9. Deut. 33. 8. Acts 6. 2.* much lesse should civil affairs or offices have place to distract. But this office of a Bishop, voting in Parliament, will distract, &c. Ergo. It was *answered*, they would be imployed in Preaching of the Word, at these solemne times, for the well of the whole Kirk & Commonwealth. This was rejected as frivolous; & it was seen afterward, that that much was not performed.

4. Whosoever are to be occupied in the business of their calling night and day, in season and out of season, should be freed and have immunitie from all other work. But Ministers are, and ought to be, so occupied *1 Chron. 9. 33. 2 Timo. 4. 13. 16. Job. 21. 15. 16. 17. Acts. 20. 20.* To this it was answered, they should be occupied in nothing beside their calling; but it was not made evident, how.

5. To account the charge of soules so light, that there withall another may be joined, is against the word. *Ezek. 34. Zach. 11. 17. Acts. 20. 20. 28. 31. 1 Pet. 5. 2. 2 Cor. 2. 15. 16. 17. Heb. 13. 17.* But this office is joined with the charge of soules, &c. The Assumption was denied; and so in effect they were denying, as in other answers, the thing they were doing.

6. The confounding of jurisdictions and callings, which God hath distinguished in respect of persons, and manner of handling, is against the Word. *Numb. 18. 4. 7. 2 Chro. 19. Matt. 22. 21. Deut. 22. 9. 10. 11.* But this Constitution importeth that: for it is expressly called an Office of a mixed qualitie. Confusion was denied, but Joining granted, which is all one. So they granted that, which before they seemed to deny, *viz.* the conjoining of a Civil and Ecclesiastical Office.

7. That the Officers of Christs Kingdom should meddle with things that pertain not to their office, is *καταπαύειν*. *1 Pet. 4. 15.* But politick & civil offices are such *Job 6. 15. Job 18. 36. Luk 12. 13. 14. Job. 8. 11.* It was *answered*, that the spiritual and civil functions differ not in subject,

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but in manner, and in form of handling, and to diverse ends; and that Christs Officers shall be urged to handle the civil things, no otherwayes but Spiritually. It was *replied*, they handle them no otherwayes, then the other two Estates do.

8. That Ministers should bear wordly preeminence, enjoy ambitious titles, & be called *imprimis*, is against the word *Luk. 22, 25. Matth. 20, 26.* But this Constitution will permit, yea make them so to do. It was *denied*, that this, which they were about to do, should either permit, or make them bear wordly preeminences or ambitious Titles. It was *answered*, this was to deny, that the sun giveth light.

9. That the souldiers of God should be involved in the affairs of this life, is flatly repugnant to the word. *Numb. 4, 3. 2 Tim. 3, 4.* But this will involve them. This was answered by *denying*, as the rest: because this Office to Vote was not to be done by vertue of their calling. But this rather confirmed the argument.

10. Magistrats and Civil Rulers preach not the word, minister not the Sacraments, exerce no Spiritual Discipline, acknowledging these things to be impertinent to their Office. *Ergo* neither should Ministers make civil Lawes, nor judge conforme thereto. It was *answered*, it was not meant by that Voting in Parliament, that the Ministers should use Judicatorie Civil, or any part of the Magistrats Office. That the King was only judge in the Parliament, and the Estates gave only their advice. As if their advice were pondered, not numbered, and called Votes; or that the King might make Lawes, or forfait without the Estates; or that the Parliament were not the supream civil Court.

11. That which wanteth both precept and example in the new Testament, & in the whole Historie & writings of the Christian Kirk, till almost 800. years after Christ, or till the Pope usurped the power of both the swords, trading upon the necks of Emperours and Kings, is no wayes to be suffered, in our reformed Kirks. But this new Office of a mixed qualitie wanteth both precept and example &c. It was *answered*, *Melchisedeck* was both King and Priest, the Patriarches were Governours and Priests in their families, the Levites were appointed judges & interpreters of the Law throughout the Land &c. It was *replied*, *Melchisedeck*, *Moses*, the high Priest cannot be patterns for the Evangelical Ministrie, being types and figures of the Head and Sovereign King and High Priest the Lord Jesus Christ. *Moses* and *Aaron* two Brethren, after *Aarons* consecration, had distinct Offices, to point out unto us, the Ecclesiastical & Civil Rulers should live as Brethren, but be busied about their own Office and Calling, for the mutual welfare of other. That there was another reason of the Government of Families, then of Cities & Commonwealths, in so far as he that ruleth his Familie, ruleth but himself; but he who ruleth a Citie or Commonwealth, governeth many Families, Therefore *Aristotle Polit. 1.* maketh an essential difference betwixt the administration of a Republick, & of a Familie. As for the Levites, they represented no Ecclesiastical Office in the Evangel.

12. The subject of the Office of a Minister, and of a Civil and wordly Office, is diverse: therefore they cannot be occupied in both. It was *answered*, this argument served only against wordly, unchristian and un sanctified civil Offices. It was *replied*, that the argument holdeth in the general: and farther, that many Christian Officers were more impious and unjust, then the *Persian*, *Grecian* or *Roman*.

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13. The manner of Administration of the one, is diverse from the other. Here was pertinently brought - in the Apologue of *Aesop* touching the Collier and the Waker. The Collier desired to dwell beside the Waker, alledging many commodities might come to both by that means. But the Waker well advised, refused altogether: For it is not possible, said he, but thy occupation will marr mine: for thou makes black, & I make white.

14. Their ends are also diverse, it being the Office of Ministers to fish men out of the sea of this World to God, which they cannot do, if they lye plunging in the world themselves.

15. The experience of the Kirk in all ages, since that corruption entered in, and namely in our own age, not only among the Papists, but also in our neighbour Countrie, & among our selves, crieth aloud, that it is not possible, that they can stand together. The whole Countrey knoweth, what men our *Bishops of Scotland* have been, and how these Offices can stand together. Experience also of Godly Pastors may teach them, that when they have been but never so little, and of necessitie, occupied in the world, how hard it is to them to gather their minde again, and set their heart toward God, and upon Spiritual duties and actions. *Qui ambulat in sole, coloratur; qui tangit picem inquinatur; qui frequentat aulam & curiam, profanatur. Forum Pontificis Petrum ad Christi abnegationem adegit. Quae est corporum constitutio, ea est & morum. Circumposito aere calido calescimus, & rursus frigido frigesimus. Cum sanctis sanctus eris, cum perversis perverberis.* No man can serve two Masters: ye cannot serve God and Mammon.

16. Nature, and the same experience hath dyted this axiome, *one Office for one man is sufficient.* When many irons are in the fire, some will coole. Therefore *Plato* and *Aristotle*, men naturally wise, crave in the Republicks *in athenis*, & banish from the same *ισχυροδουλους & δουροδουλους* instruments serving for moe uses then one, as unprofitable and spoiling things &c. Now, if *in subiecto iurisdictionis* in the Commonwealth, by the light of Nature, one Office is sufficient for one man, it is no wayes convenient, that *in subiecto iurisdictionis*, that is, both in Kirk and Commonwealth, one man bear two Offices.

17. That which hath been eschewed as a pest, opposed unto in publick Doctrine, and at all Assemblies since the reformation, should not be brought-in within the Kirk. But such is this joining of Offices. The Acts of our General Assemblies inhibit a Minister to joine with his Ministrie, the Office of a Notar, Husbandrie, Labouring of land, Hostlarie &c. Under the pain of Deposition. Here was alledged a passage out of *Mr Beza's Epistles, Epist. 79. ad Knoxium. Sed et istud mi Knoxi &c.*

18. At last were alledged the Testimonies of the Fathers and Doctors, both ancient, and modern.

These arguments being so strong, that in effect all were granted, the matter not succeeding, as the King and the Commissioners of the General Assembly looked for, they went another way to work. From the Kings rising early at morning till he went late to bed at night, he was so busie with Ministers, that the Courtiers complained they could get no access to him. The King and Commissioners gave out among the Brethren, howbeit they were working with might & maine for Episcopie, that there was no such thing intended, but only Vote in Parliament, to vindicat

By what means the heeds following were obtained.

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the Kirk from contempt and povertie, and founded their answers to the arguments in the Conference. The King shewed Authoritie many wayes, but specially in the last Moderators recantation, and commanding *Mr Andrew Melvine* to keep his lodging, howbeit he was sent in Commission from his Presbyterie. Yet there was such opposition made by many worthie Brethren, that they could not procure perpetuities to a Commissioner to Vote in Parliament *ad vitam*, or *ad culpam*. For it was concluded, that he should be annual: But the Kings partie drew the Conclusion as neer their purpose as they could, *viz.* that the Commissioner Voter in Parliament should give account *annuatim*, and lay down the Office at the feet of the Assembly, to be continued or altered, as the Assembly, with consent of the King, shall think expedient. One and fiftie Voted, that the Commissioner Voter should be chosen *annuatim* by every Presbyterie, from year to year. Fourtie eight Voted, that he might be continued or altered, as said is; of which number many were not Ministers, but Commissioners from Burghes: Yet were the King and Commissioners of the General Assemblie grieved, that so many Ministers Voted in the contrair. It was concluded in the Assemblie, holden at *Dundie* in *May* 1597. That in the determination of matters of importance, where the difference of Votes standeth only in two or three, nothing be concluded till better resolution; and that in such difference, he that sustaineth the negative, shall with his Vote give *rationem negandi*. Howbeit this Act was made with their own consents, and, as I think, by their own procurement, seeing then so many of the Ministrie were set against them, yet it is not observed.

The tenor of the Act, as it is now extant in the Register.

For as much as in the last General Assemblie, there was a Commission given to every Synod within this Realme, to elect and choose out three of the wisest of their number to be readie, upon his *Maj.* advertisement, to convene with his *Higness*, & to treat upon such heeds, concerning Vote in Parliament, as were not condescended upon in the last Assemblie, & in case of agreement, to conclude the whole matter; otherways to referre the same to this present Assemblie, as at more length is contained in the said Commission, conforme to which, the said Commissioners, being convened at *Falkland* the 25. day of *July* 1598. They, being ripely advised with the heeds following, gave their advice and conclusion as followeth.

1. Concerning the manner of choosing of him, that shall have Vote in Parliament in name of the Kirk, it is condescended upon, that the Kirk shall nominat six for every place, that shall have need to be filled, out of which number his *Maj.* shall choose one, whom he liketh best; & his *Maj.* promiseth, oblidgeth, and bindeth himself to choose no other, but one of that number. And in case his *Maj.* refuse the whole, upon a just reason of insufficiencie, & greater sufficiencie of others that are not recommended, the Kirk shall make a new recommendation of men, according to the first number, of which one shall be chosen by his *Ma.* without any farther refusal, or new nomination, & he that shall be chosen by his *Maj.* shall be appointed by the Synods.

2. It is concluded, that the General Assemblie shall have the nomination

The heeds
concluded
concern-
ing Vote in
Parliament

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or recommendation of him, that shall Vote in Parliament, in name of the Kirk, who shall take the advice of Synods and Presbyteries thereanent, directed from them in writ; and the Synods shall have libertie to nominate as well within the Province, as without, providing that if there be any within the Province meet for the place, *ceteris paribus*, he shall be preferred to another.

3. Anent his Rent, it is advised with one consent, that the Kirks being planting sufficiently, the Colledges & Schooles already erected, nor prejudged, the Kings *Maj.* shall provide to him all the rest that may be obtained of that benefice, vvhithunto he is preferred.

4. As for the Cautions to keep him, that hath Vote in Parliament from corruption, they are these following.

1. That he presume not at any time to propound at Parliament, Council or Convention in name of the Kirk, any thing without expresse warrant and direction, of the Kirk, and such things as he shall answer for to before the vveal of the Kirk, under the pain of Deposition from the Office; neither shall he keep silence, or consent in any of the said Conventions to any thing, that may be prejudicial to the libertie and vveal of the Kirk, under the same pain.

2. He shall be bound at every General Assemblie to give an account, anent the discharging of his Commission, since the Assemblie preceeding; and shall submit himself to their Censure, and stand to their determination whatsoever, without appellation; and shall seek and obtain ratification of his doings at the said Assemblie, under the pain of Infamie and Excommunication.

3. He shall content himself with that part of the benefice, which shall be given him by his *Maj.* for his living, nor hurting nor prejudging the rest of the Ministers of the Kirks within his benefice, planted, or to be planted, or any other Minister of the Countrey whatsoever; & this clause to be insert in the provision.

4. He shall not in any wayes dilapidat his benefice, neither set, nor make any disposition thereof, without the special advice and consent of his *Maj.* and the General Assemblie; and for the greater warrant, he shall interdict himself not to dilapidat his benefice, or to consent to the dilapidation thereof, made by others, to the General Assemblie; and shall be content, that Inhibitions be raised upon him to that effect.

5. He shall be bound to attend faithfully upon his own particular Congregation, where he shall be Minister, in all the points of a Pastor, and hereanent shall be subject to the trial and censure of his own Presbyterie and Provincial Assemblie, as any other Minister that beareth not Commission.

6. In administration of Discipline, Collation of benefices, Visitation, and all other points of Ecclesiastical Government, he shall neither usurp nor acclaim to himself any power or jurisdiction, farther then any of the rest of his Brethren, under the pain of Deprivation. And in case he usurp any part of the Ecclesiastical Government, and the Presbytery, Synod or General Assemblie oppon, & make any impediment thereunto, whatsoever he doth, after that impediment, to be null *ipso facto*, without any farther declaration.

7. In Presbyteries, Provincial and General Assemblies, he shall behave himself in all things, & be subject to their Censure, as any of the Brethren of the Presbyterie.

8. At his admission to his office of Commissionarie, these and all other points necessarie he shall swear and subscribe to fulfil, under the penalties foresaid; other wayes not to be admitted.

9. In case he be Deposed by the General Assembly, Synod or Presbyterie, from his office of the Ministrie, he shall lose his Vote in Parliament *ipso facto*, and his benefice shall vaik.

Farther Cautions to be made, as the Kirk pleaseth and findeth occasion. Touching his name, that for the Kirk shall have Vote in Parliament, it is advised by uniforme consent of the whole Brethren, that he shall be called the Commissioner of such a place: and in case, the Parliament by his moyen may be induced to acknowledge that name, it shall stand so; if not, the General Assembly shall conclude this question anent his Name.

The question being demanded, whether the Commission of him, that for the Kirk should Vote in Parliament, should endure for his life time, except some crime or offence interveen; or for a shorter time, at the pleasure of the Kirk. The Commissioners of the Provincial Assemblie, being of diverse opinions, thought good to referre this question to the next General Assembly.

Which whole Conclusions being read in audience of the whole Assembly, the Assemblie being ripely advised therewith, ratified, allowed & approved the same, & thought it expedient, that the said Cautions, together with such others, as shall be concluded upon by the Assemblie, be insert in the bodie of the Act of Parliament, that is to be made for confirmation of Vote in Parliament to the Kirk, as most necessarie & substantial points of the same.

Thus the *Trojan Horse*, the Episcopacie, was brought in; covered with Caveats, that the danger might not be seen, which notwithstanding was seen of many, and opposed unto, considering it to be better to hold theeves at the door, then to have an eye upon them in the house, that they steal not. And indeed the event declared, that their fear was not without just cause: for these Commissioners Voters in Parliament, afterward Bishops, did violat these Caveats, as easily as *Sampson* did the cords, wherewith he was bound.

It was concluded farther in the *eight* Session, as followeth.

Forasmuch as the Commissioners of the Synods, convened at *Falkland* the 25. of *July* 1598. being of diverse opinions concerning the continuance of his Commission, who shall have Vote in Parliament, whether he should endure for his lifetime, except some crime or offence interveen; or for a shorter time, at the pleasure of the Kirk, they thought good to referre the same to this present Assembly. Therefore the General Assembly, having reasoned at length upon the said question, touching the continuance of him that shall have Vote in Parliament, findes, & after voting decernes, that he shall *annuatim* give account of his Commission, obtained from the Assemblie, and lay down the same at their feet, to be continued or altered by his *Maj.* and the Assemblie, as the Assembly with consent of his *Maj* shall think most expedient for the well of the Kirk.

It is Statute & ordained, that none of them, that shall have Vote in Parliament, shall come as Commissiones to any General Assembly, or have Vote in the same, in any time coming, except he be authorized with Commission from his own Presbytery to that effect.

It is found by the Assemblie, that *crimen ambitus* shall be a sufficient cause of deprivation of him, that shall have Vote in Parliament.

It is Statute and ordained, that every Minister intimat this general, that

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The General Commission renewed.

vote in Parliament is concluded by the Assemblie, and that none speak contrare to the same.

The General Commission, which over-ruled all the affairs of the Kirk, was renewed immediatly after, in the same Session, as followeth.

For as much as it hath been found necessarie of before, and profitable for the well of the Kirk, that certain Commissioners be appointed from Assemblie to Assemblie, whose special care & travel should be to give their advice to his Maj. in all affairs concerning the well of the Kirk, and intertainment of peace and concord betwixt his Maj. & the Kirk. Therefore the General Assembly, continuing in that same course, hath given & granted, likeas by the tenor hereof they give and grant, their full Power and Commission to *Mrs John Strauchan, James Nicolson, Andrew Mill, Alexander Forbes, Alexander Douglas, Robert Howie, James Melvine, John Caldcleugh, Robert Wilkie, Henrie Levingstoun, Alexander Lindsey, George Gladstones Robert Pont, David Lindsey, Robert Bruce, John Hall, John Clappertown, John Knox, Andrew Lambe, James Law, John Spotswood, Garwin Hammiltoun, David Barclay, Andrew Knox*, and the *Kings Maj.* Ministers, or any Nine of them, giving, granting and committing to them their full power, to plant such Kirks in Burrows Townes, as are destitute of Pastors; & specially the Kirks of *Leith*, in place of *Mr John Hall* lately removed from thence, and the Southwest Kirk of *Edinburgh*, vacant by decease of umquhile *Mr Robert Rollock*; to present the grieves of this present Assembly to the next Convention, and receive the answers to the same: and likewise in case his Maj. finde himselfe grieved at any enormitie, committed by any of the Ministrie, to try & cognosce upon the same, and take such order thereanent, as shall be meetest to the Glorie of God, and well of the Kirk, to advise with his Maj. anent the effectuating of the constant Plat: *promitten. de rato. &c.*

It is to be observed, that sundrie were nominated to be Commissioners, for the fashon: for the King and the rest of the Commissioners minded never to make them privie to their projects, as namely *Mr Robert Bruce, Mr James Melvine, Mr John Knox, Mr Andrew Mill, Mr Henrie Levingstoun*. The King might proceed with any Nine, without the rest.

An act for keeping of Presbyteries.

Visitors were appointed to visite some parts of the Countrey, which had most need.

Because it was regrated, that the act made in the last Assembly, touching the ordinary keeping of Presbyteries, was not regarded by sundrie of the Ministrie, specially in *Air* and *Fruing*. Therefore it was ordained, that the said Act be put in execution, in all points, through all the Presbyteries within this Realme; and that whosoever contemneth, or violareth the same, after twice admonition, he be suspended from his Ministrie: & that the Visitors report to the next Assemblie, what diligence they finde in keeping of the said act.

Concerning the advocacy of causes before the Council.

It was heaviely lamented in the Kings presence, in the *third* Session, that whileas sundrie of the Ministrie were occupied in their lawful Calling, in pursueing Malefactors, Adulterers, Murderers, & other slanderous Persons, & urged them to purge themselves of the slanders committed by them, conform to the statutes of the Kirk, daily observed within this Realme, that at such time they are drawn from their calling, & charged by Letters, obtained privily upon false narratives, made by the said slanderous Persons, to compear before the Seeret Council; whereby not only

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they were abstracted from their lawful functions, but also the Discipline of the Kirk was greatly neglected and contemned. Therefore the Assembly most humbly requested his *Maj.* not to suffer such contempt of the Discipline of the Kirk; whereby the bridle would be loosed to all impiety and licentious living. His *Maj.* promised, that in time coming no Letters should be directed from the Secret Council, at the instance of any person, against any Minister in particular, or any Presbyterie in general, for whatsoever thing he or they shall do, in the execution of his or their offices, before the person requirer produce a testimonial under forme of instrument, *de denegata justitia* of the Minister, or Presbyterie, judges ordinaire. What needed then a High Commission, to stay advocacy of causes before the Council, as was afterward pretended: for if this, which is here promised, had been observed, we needed not a High Commission to that effect. But of this more in the own place.

Upon the fifth of *August*, *John Ruthwen* Earle of *Gowrie*, and his Brother *Mr Alexander* were slaine, in the Earles own lodging at *Perth*, for a Conspiracie, alledged to have been attempted by them against the King, in that same lodging. The Ministers of *Edinburgh* were desired by the Council the day following, to go to the Kirk, and praise God for the Kings miraculous delivery from a vile treason. They answered, they were not certain as yet of the treason, but would say in general, that he was delivered from a great danger. In the mean time cometh *Mr David Lindsay* Minister at *Leith*, who had been at *Falkland*, and heard the King relate the storie of the fact. He went with the Lords of Council to the Market Crosse of *Edinburgh*, where he had a harangue for the purpose; and after, the people with discovered heads praised God: which action being ended, there was ringing of bells, shooting of Cannons, between three and four afternoon, and bonfires set out in the streets, and upon *Arthur* seat, & other eminent places, far and near, on this and the other side of the water.

The same night, the sixth of *August*, the *Mr of Orkney* and *Sir James Sandelands*, with some horsemen, road to *Dirletoun* to apprehend the Earle of *Gowries* two Brethren, *William* and *Patrick Ruthwen*. But they were removed half an hour before out of the way, after advertisement given from Court by one *Kennedie*.

In the first Proclamation after the fact, the armed man, alledged to have assisted *Mr Alexander* in the studie of the lodging, to kill the King, was named *Oliphant*, and described to be a black grim man. The report went soon after, that they called him *Leslie*. The third report followed, that they called him *Younger*. This *Younger*, servitour to the Earle of *Gowrie*, was in *Dundie*, when that tragedie fell forth. He hearing of the report, addresseth himself to *Falkland*, to purge himself; but was slain by the way, and left lying dead in a corne ridge, within three or four miles to *Falkland*.

Upon Monday the eleventh of *August*, the King boated be-east *Bruntiland* at twelve hours, but landed not at *Leith* till between four and five. The Citizens of *Edinburgh* were attending in their Armes upon his landing. He goeth to the Kirk, where *Mr David Lindsay* Minister exhorted him, after thanksgiving, to perform his vowes made before, for performance of Justice. Thereafter the King came up to *Edinburgh*, & sat upon the Market Crosse, which was covered with Tapestry, accompanied with some of the Nobilitie, where his own Minister *Mr Patrick Galloway* had a Sermon to the People, convened about the Crosse, & the King an harangue, both tending

Thanksgiving
for
the Kings
delivery.

Gowries
Brethren
escape.

The name
of the
armed
man va-
ried.

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to perswade the people, that *Gourie* and his Brother had verily conspired the Kings death, and were slaine in their execution of the enterprize. *Mr Patrick* said, *Andrew Henderson*, the Earle of *Gouries* Chamberlain, was the man that should have assisted *Mr Alexander* to have killed the King. This *Andrew Henderson* was a man of low stature, rudie countenance, and brown bearded, a man of *Mr Patricks* own intire acquaintance; because he payed him his pension, which he had out of the *Abba-cie* of *Scoone*, which did belong to the Earle of *Gourie*; to whom, and to his father before him, he was obliged, since he was Minister at *Perth*. But *Gourie* being forfaitured, the King doubled the pension out of that *Abba-cie*.

The Ministers of Edinburgh discharged the Town, and to preach.]

Upon Tuesday the twelfth of *August*, the Ministers of *Edinburgh* were charged by a Macer, to compear before the King and Council. The King demanded at *Mr Robert Bruce*, in name of the rest, why they disobeyed Him and his Council, and would not praise God for his delivery. They answered, they had not disobeyed, but were readie to have praised God for his deliverie in general, as they did upon the Sabbath immediately following; but could not condescend in particular, to qualifie what danger it was. The King asked at last, are ye not perswaded? Ye have heard Me, ye have heard my Minister, ye have heard my Council, ye have heard the Earle of *Marr*. Surely, Sir, said *Mr Robert*, I would have farther light, before I offered to perswade the people. *Mr James Balfour* and *Mr William Watson* answered, they were nor as yet perswaded. *Mr Walter* desired to have farther time to get light. *Mr John Hall* desired the civil trial to go before, that he might be perswaded. *Mr Peter Hewat* and *Mr George Robertson* answered, they were perswaded. They were all removed, and after a space all called-in, except *Mr Peter Hewat* and *Mr George*. The Chancelour pronounced the Sentence. First, they are discharged to preach in the Kings Dominions, under the pain of death. The day following they give-in a supplication to the Council, vvherein they offered three things. First, to give God thanks for his *Maj.* deliverie. Secondly, To report faithfully the whole storie, as his *Maj.* delivered it to them. Thirdly, To speak nothing in the contrair, but to do all the good Offices, which might serve to nourish his *Maj.* credite & estimation, in the hearts of the people. They received this answer upon the back of their supplication. First they must confesse a fault, and crave his *Maj.* pardon most humbly. Next, They must take the historie or report of the Treason for an undoubted truth, and publish it is an undoubted truth to their flocks. They craved prorogation of the time, to seek farther light; which was also refused. So upon thursday in the morning they departed out of the Town.

Occasion taken to overthrow the Ministrie of Edinburgh.

This Occasion was laid hold on to overthrow the Ministrie of *Edinburgh*, which crossed the proceedings of the Court, and was a great restraint to impietie and injustice in the Countrey, & an Opposition to the Episcopal Course. So the King and Council deprived them of the exercise of their Ministrie within the Countrey, by their own Authoritie, without consent of the Kirk, and before any civil and formal trial of the fact. The discoverie of the alledged attempt came forth in print; which, because it is yet exstant, and was translated in Latine, I omit, and what was mens judgements of it, as not pertinent to my present aime.

Gouries attendants put to death

Upon Saturday the 23. of *August*, *Mr Thomas Cranstoun*, *George Cragingelt* and *John Baron* Officer of *Straband*, attendants upon the

Earle

Earle of *Gourie*, were hanged in *St Johnstoun*, for drawing swords in time of the tumult; yet confessed they nothing, which might smell of the knowledge of any Conspiracie.

Upon Thursday the fifth of *September*, the Ministers of *Edinburgh*, were charged at the market Crosse of *Edinburgh*, to compear before the King and Council at *Stirling*, to hear farther punishment decerned for their obstinat blindness, as they called it; and perswading others to doubt, in the parts where they come. *Mr William Watson* compeared upon Tuesday the 9. of *September*, and was commanded to enter in ward. But the day following, after his humble supplication given in, and declaration that he was resolved, the sentence was recalled, and he was appointed to publish his resolution, in so many Kirks as were appointed to him. *Mr James Balfour*, *Mr Walter Balcanquhal* and *Mr John Hall* declared likewise, that they were resolved, and so many kirks were appointed likewise to them, to publish in Sermon their resolution. *Mr Robert Bruce* offered to preach, so far as he understood, but farther he would not promise. He said to the King, if *Andrew Henderson* die with confession, that he was put in the studie, I will believe it for my own part. The Comptroller *Sir David Murray* interrupted him, saying, will ye beleewe a condemned man, better then the King and Council. My Lord, said he, if he die penitent, I will trust him. If God receive his soul, I think we may receive his Testimonie. He saved the Kings life, said the Comptroller. Ye should preferre the Kings honour to his life, said *Mr Robert*: for it will greatly serve to his honour, if he die penitent. Then, said the King, Hee, ye will not trust me, and the Noblemen that were therewith me, except ye trie me. *Sir*, said *Mr Robert*, Will cannot be restrained, I may well lie to you with my mouth; I cannot trust but after trial. He is removed. The Macer cometh forth, & chargeth him to enter in ward in the place of *Airth*, and to remaine there till the eight day of *October*, and thereafter to passe off the Countrey, and not to return to *Scotland* or *England*, without his Maj. licence.

The Court gave out, that the four Ministers of *Edinburgh* were sent, to make their repentance, each one of them in so many Kirks. The act indeed did bear, that they should confesse their errour and incredulitie, and declare, that they were fully resolved.

The time of *Mr Robert Bruce* his departure was prorogat, to the Eleventh of *November*, by the intercessions of some friends.

Upon Tuesday the fourteenth of *October*, Commissioners from Synods convened in the palace of *Habyrudhouse*, at the Kings direction. The King was earnest to have the Kirk of *Edinburgh* planted with other Ministers. The Brethren answered, that could not be done, unlesse they were deposed by the Kirk, or cut off by some civil judicatorie orderly. The King assured them, that he had determined, that they should never be Ministers of *Edinburgh* again. And indeed it was the resolution of the Commissioners of the General Assemblie, that some of them should never be restored to their Ministrie in that place. They were the chief directors of this meeting. The Brethren thought good, that rather then the Kirk should vaik, that the Ministers of *Edinburgh* themselves should be asked, if they would be content willingly with Transportation. *Mrs James Melvine*, *William Scot* & *John Carmichael* were directed to them by the King, & the Ministers convened. When they were gone forth, the King and the Commissioners of the General Assembly take hold of the

The Ministers of *Edinburgh* called before the Council.

A Convention of Commissioners from Synods.

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opportunitie, and obtained, that there should be nominated and chosen three to the titles of Bishopricks, *Mr David Lindsey* to the Bishoprick of *Ross*, *Mr Peter Bleckburne* to the Bishoprick of *Aberdeen*, and *Mr George Gladstones* to the Bishoprick of *Cathness*; and they were appointed to Vote at the next Parliament, in name of the Kirk, without any regard had to the Caveats and Conclusions agreed upon, and without warrant of a General Assemblie. But any colour was thought sufficient, where Authoritie did countenance. These were the first of the Ministrie, that were chosen to Prelacies, but unorderly. The three Brethren, directed to conferre with the Ministers of *Edinburgh*, understood nothing of the matter, till the Convention was dissolved. And indeed if they had been present, they had made opposition. As for the Ministers of *Edinburgh*, the matter was referred to the next General Assemblie. As for *Mr John Hall*, the King taketh him in his own hand; and so he was reposed in his own place in *Edinburgh*; and good reason, for he was a secret friend and advancer of the Episcopall course. From that time, the Banner of truth was never so bravely displayed in the Pulpits of *Edinburgh*, as before. A great impediment to the course of Episcopacie was removed out of the way.

Mr Robert Bruce embarked at the *Queensferrie*, upon the third of *November*. There appeared so great a light, which served him and his company to read, although it was neer midnight. He arrived at *Deep* the eight of *November*.

The Parliament beginneth, the eleventh of *November*. The late Earle of *Gourie* and his Brother *Mr Alexander* were forfaitured for Treason; and it was ordained, that their bodies should be hanged on a gibbet at the Crosse of *Edinburgh*, and after a space to be taken down, and dismembred. Item, that all the surname of *Ruthwen* should choose other surnames betwixt and whitsunday. Four Ministers voted as Bishops at this Parliament, *Mr David Lindsey*, *Mr George Gladstones*, *Mr Peter Bleckburne*, *Mr Alexander Douglas* Bishop of *Murray*.

King *Charles* was borne upon the 19. of *Novemb.* about eleven hours at night, the same day that *Gourie* & his Brothers carcasses were dismembred.

In respect of the obstinat refusal of the Town of *Edinburgh* to accept other Ministers, then their own, the King gave their Ministers licence upon the 16. of *Januar*, to return to their own houses, till he were farther advised, *Mr Robert Bruce* only excepted.

The Synod of *Fife* convened at *St Andrews* the 3. of *Februar*, before the ordinarie time. *Mr John Hammiltoun* the Apostat, taking upon him the name of *John Thomsone*, was excommunicat. *Mr Robert Abercrommie*, taking upon him the name of *Mr William Simpson*, was declared to be none of our societie. *Mr William Dalziel* Minister was deposed, for too great familiaritie with *Mr John Hammiltoun*, & for his insufficiencie to bear the office in the Ministrie. *Mr George Gladstones* confessed before the Synod, that he sat in Parliament, & answered with the name of a Bishop, but against his heart, as he alledged; because they would not admit him other wayes.

Bonnintoun younger was beheaded at the Crosse of *Edinburgh*, upon the 27. of *April*, for stealing of his fathers evidences. He died an obstinat Papist.

The General Assemblie was indicted to beholden the last Tuesday of *July*. But because the King had fallen from his horse at the hunting, and hurt his left shoulder, it was appointed to be holden at *Bruntland* the twelfth of *May*, whereupon sundrie were disappointed.

The eyes of the sincerer sort were upon *Mr Patrick Simpson*, who was in leets with *Mr Patrick Galloway* & others. The King would needs have

Mr Robert Bruce departeth out of the Countrey. A Parliament.

King *Charles* Birth day. 1601. The Ministers of *Edinburgh* return to their own houses. The Synod of *Fife*.

Bonnintoun executed. A General Assembly at *Bruntland*. *Mr John Hall* chosen Moderator.

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the leets changed, and a neutral man chosen. So *Mr John Hall* was chosen; not a neutral man, but a secret advancer of the Kings course.

Mr James Melvine, Minister at *Anstruther*, being detained from this Assembly by sickness, sent this Letter following.

*To the Godly Fathers and Brethren, convened in this present
Assemblie at Bruntland, I. M. wisheth grace; mercie and
peace, from God through Jesus Christ, with the Spi-
rit of freedom, uprightness and faithfulness.*

Having many wayes a calling to be present with you at this Assembly, Godly Fathers, and Dear Brethren; and stayed only by infirmities of bodie, after long and sore sickness, I could not but at least communicat my minde with you shortly in writ.

First, As concerning his *Maj.* since it hath pleased God, to indue him with such a rare and singular grace, as to resolve to bestow Himself, his Estate, and all that God hath given him in possession or title, for glorifying of Christ, King of Kings, in the maintenance of his Gospel and true Religion; and now to put hand to justice against impiety, wrong and oppression, to kyth in effect the true and earnest disposition of his heart, I think it is all our parts to praise God uncessantly for the same, and to coneuire & joine with his *Maj.* in our calling to our uttermost, namely, in stirring up & moving the hearts of his people to reverence & obedience; yea, to bestow their lives and all that they have, with his *Higness*, in that cause, and in all his *Maj.* affairs, which may serve for the well thereof. And truly, they are worthie to be accursed; and not to brook the name of Christians, or Scottish men, but to be esteemed enemies to God, Religion and his Highness, that will not willingly yeeld hereunto. As *Deborah* crieth, *Curse Meroz*, saith the Angel of the Lord, *Curse*; because they came not to assist the Lord against the mightie. I will wish therefore for this effect, as in the dayes of *Asa* and *Joas* Kings of *Judah*, namely, according to the direction of good *Jehojadah* the Priest, that solemne Covenants and Bands (the Word of God and Prayer going before) were made betwixt God and the King, God and the People, and betwixt the King and the People, to beginne in this present Assemblie, and thereafter to follow in Provincials, Presbyteries, and through everie Congregation in this Land.

Next, As concerning the Ministrie of *Edinburgh*, I hold fast that agreement of the Brethren, convened at *Bruntland* in the Moneth of *March* last; and would beseech the Brethren of the Assemblie, to insist with his *Maj.* upon the reasons, set down in that conference, and such others as God shall furnish, joining prayer to God, who hath his *Maj.* heart in his hand, whereby his *Higness* may be brought to yeeld thereunto, as a special well, not only to the Kirk, but also to his *Maj.* estate and affairs, if God hath given me my eyes to see in them: For besides that the chief Blockhouse of the Lords *Jerusalem*, in this land, cannot in my judgement be well fortified without them, in my conscience I know not braver trumpets to encourage, move or set forward the people to Obedience, and his assistance, when the occasion of his *Maj.* weightie affairs may crave the same. And truly, when I passe through the forme of proceeding with my self, to spy out what shall befall in the end, I cannot see, if it be well, but it must be repossession: for proceffe will be found hard,

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transportation full of falsherie and inconveniences, and in end feckless, wanting contentment. Therefore the best must be repossession, whereunto I pray God his *Maj.* heart may be inclined, as all the Brethrens are, I am sure. But there is here, *dear Brethren*, an incident of greater importance then the rest, vvhwhereunto I must not only exhort you, but in the name of Christ charge and adjure you, as ye vwill answer to him upon your fidelitie in his service, that ye endeavour to repress it. this is that injurie, vvhich Christ sustained by the Act and Decreet of Council, vvhwhereby the Ministers of *Edinburgh* are depofed from teaching, at any time hereafter: Because they refused to preach, and give thanks, as vvas enjoined them by the said Council, the greatest injurie that ever Christ sustained in this Land: for if he hath not sole power to choose, call and depose his own Messengers and Ambassadors, He hath no power at all. His *Maj.* diverse times, in my hearing, shewed he was willing, that this should be amended; but I fear the Decreet stand in the book, without any note thereupon. Forget not this, but remember it, as the greatest point ye have to deal with. And let not, I humbly beseech, his *Maj.* and Council be discontent with the bringing-in of this head: For the favour of Christ, and fear of his just wrath against such, as say, *Nolumus hunc regnare super nos*, constrained me, which I wish to be as far from his *Maj.* and honourable Council, as from my own heart and soul. But contrariwise, that in the favour and blessing of Christ, his Throne, as the Throne of *David*, may be established, and flourish as the palme.

Now as for the rest, revise your Canons. For corruption creepeth fast on, and is confirmed by custome. Sight the conclusion of your last Assemblies, and see if things have proceeded conform thereto, or not: If it may please his *Maj.* to permit these things to be done at this time, which indeed are most necessarie to be done; otherways it is not possible to keep from corruption. Farther, the restraint of freedom of General Assemblies, in the ordinarie Conventions thereof, would be heavily complained upon, and regrated to his *Maj.* for seing vye have full povver, and expresse charge of *Christ*, the onely King of his Kirk, to meet and conveen together, for the Government thereof, and have our ordinarie Conventions twice in the year, approved by his *Maj.* in his Lawes and Acts of Parliament: wherefore should our meetings depend upon Licences, Letters and Proclamations; namely, whereas other Estates, as Burgeses and Barones, are permitted to use their Priviledges freely? Shall the Kirk of *Jesus Christ* be lesse regarded, & more restrained, in her freedom and Priviledge, in a settled & constant Estate, under the protection of a rare Christian Magistrate? God forbid.

Finally, my *Dear Brethren*, Charitie and the Law of Christ commandeth me, to give you warning by my experience, that in all your speeches, ye respect the true profite of the Kirk, and his *Maj.* Estate joined therewith, and not present pleasuring. Now the true profite is that, which hath the warrant in the Law and the Prophets, howsoever the reason of man think of it. We should be the mouth of God unto all. His Law should be in our lips, and true wisdom in our mouth. Our speeches should be the Speeches and Oracles of God. And as a Lawyer saith, it is a shame to a Lawyer to speak without the Law: much more, say we, it is a shame before God and his Angels, and before the Kirk of God, to the Dispensator of the Heavenly Mysteries, to speak without Scripture, and warrant of the Word of God. Take heed to this; otherwise, when

God

God beginneth to take you aside, and reckon with you, as I think of his Fatherly affection he hath done with me, ye will detest from your heart the fashions of this world, the wisdom of flesh and blood; the examples and manner of doing, in this time in special, ye will repent that ever ye knew and followed them.

In conclusion, I lay down your Commission at your feet; as the Pionier doth his burden. It hath spent whereon my numerous familie should have been sustained; it hath grieved my minde continually, and now in end it hath brought me in extreame danger of my life. Therefore I beseech you, burden me no more with it, unlesse ye would have my skin. Now the Lord *Jesus Christ*, of the same Love that moved him to give his Life for his Kirk, govern and keep her from the pollution of this last age, and make us, and all the labourers within the same, ever mindful of that great day, when he shall come, and call us to an account of our dispensation. *Amen.*

From the bed of my infirmities.

The King taketh this Letter out of the Moderators hand, & suffered it not to be read, but putteth it up in his pocket; & as *Mr James* was informed, laid it up among his privat writs.

Mr John Davidson sent to the Assemblie this letter following.

Grace and peace with upright judgement, and constant practice thereof, in these dayes of trial. Amen.

Reverend Brethren, how long shall we fear, or favour flesh and blood, and follow the counsel and command thereof, leaving the plain & known will of God in the mean time undone? Should our meetings be in the name of man? Nay, should they not be in the name and authoritie of the Lord *Jesus Christ*, to whom every knee should bow? Are we not yet to take up our selves, to acknowledge and leave our former errors, negligence and fearfulness in the work of the Lord, by the miserable experience of these our woful dayes of such dangerous designments, that *for sitan ipse senex deploret talia Peleus? Yea, quam graviter ingemiscerent illi fortes viri, qui propter Ecclesie Scoticae libertatem olim in acie decertarunt, sinostram nunc ignaviam (ne quid gravius dicam) conspicerent?* But we should have God, the searcher of hearts, before whom all things are naked and bare, before our eyes, and should walk before him, and be upright. Should *James* and *John* be seeking to sit, one at the right hand, another at the left, and namely when *Christ* is going to *Jerusalem* to suffer death? Is it time for *Baruch* to seek great things for himself, when the Lord is about to destroy the thing he planted, and threatneth his people with fearful Captivitie? Is it time for us now, when so many of our worthie Brethren in the Ministry are shamefully thrust out of their callings, without all order of just proceeding against them, & *boni malis demutantur*, as a Father saith; and Jesuits, Atheists and Papists, in great number daily flocking home, are suffered, countenanced, and advanced to great rooms in the Realme, to the bringing in of Idolatrie and captivitie more then Babylonical, with an high hand, and that in our chief Citie; in no corners, but in effect at the Market Crosse of *Edinburgh*, without all due punishment for the same, according to the Law of

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God, and manifest Lawes of the Realme? Is it time now, I say, to us of the Ministrie, to be inveigled and blindfolded with pretence of preferment of some small number of our Brethren, and that not to stand so much in the ordinance and election of the Kirk, as at the pleasure of the Court, to have Vote in Parliament, to ride with footmantles, & have the Titles of Prelacies, and so to make the preparative in ourselves for that *Hierarchie*, as they call it, which the Papists minde with speed to enjoy? What is this else, but *honorari intra Palatium ad servitutem*, as the ancient Father saith? Shall we, Brethren, with *Sampson* sleep still on *Delilah's* knee, till she say, the *Philistines* be upon thee, *Sampson*? Then worthily with *Sampson* may we be made a ridiculous and ignominious spectacle to the *Philistines*, which the Lord in his great mercie avert. But *Bonintoun* is execute. A famous thief in the highest degree, for his vile theft is punished. What is that to the cause of Religion, whereof there was no question, as worthily there might have been? Is there no Papist, Idolater, nor wilful favourer and maintainer of Papists in *Scotland*, with *Bonintoun*? Ask and see. But the King and the Kirk being yet sound in Religion, what can the Adversaries do? Being sound, as ye say, there were the lesse danger. What is then our doubt? There is no doing, neither in Kirk, nor King, according to our callings. As for *Seggene*, as they say, it goeth *Light Coup*; and it is but small wisdom for the *Israelits*, to let the *Canaanits* remaine among them, and wax strong. Therefore if there be any zeal in us, laying all bygones aside, let us joine together as one man; and that before all other things, to purge the Land of this fearful Idolatrie, leaving all other things to be handled in the next Assemblie, to be appointed *primo quoque tempore* for the same purpose, raking example of the children of *Israel*, who hearing but a report of the erection of a contrarie Altar, by their Brethren of *Reuben*, *Gad*, and half tribe of *Manasse*, determined with all speed to have rooted them out, if the matter had been so. The matter with us is out of doubt: and therefore let us show our zeal for the Lord, and his Cause; otherwayes we can look for no blessing at the hands of God. Farewel, Dear Brethren in Christ. Amen.

Your Brother in Christ to his power, or rather Gods power
in him to be forthcoming at Gods pleasure, in
time and place.

Of one thing in special, Dear Brethren, I wish you to bewarre, that ye do not evil, that good may come of it; to wit, that ye consent no wayes to determine any thing *de presenti*, touching the new planting of *Edinburgh*, in prejudice of the former Brethren, yet undisplaced by order, in respect of any office *de futuro*, touching the punishment of Papists. For as punishment of Papists, and their displanting without order, cannot stand together; so their standing in their own roome will serve very greatly for the overthrow of Papistrie; weigh it when ye will. Finally, if reason be refused, as God forbid, remember that alwayes, *melius & optabilius est egregium bellum pace impia, & à Deo distrabente*. Farewel againe in Christ. Amen.

Howbeit this Letter was read and allowed, yet was he troubled for it, in the moneth of May after.

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The Assemblie began with small contentment to either partie. The King, to acquire credite with the people, many doubting of the fact at *Perth*, made many Protestations, not without the tear in his eye, that he should be forward for the Kirk, and libertie of the Gospel. For further satisfaction, that was approved, both by the Court, and by the corrupter sort of the Ministrie, which before was not only neglected, but also much mocked at, *to wit*, to rip up the cause of defection in all Estates, and to advise upon the remedies. But neither were the chief causes of defection laid open, as they were in part laid open in the two Letters above written, nor a right course taken for remedie of the causes.

Seff. 2. The which day the Brethren, having entred in consideration of the general defection from the puritie, zeal and practice of the true Religion, in all the Estates of the Countrey, and how the same must of necessitie at last end, either in Papistrie, or Atheisme, within short space, in the righteous judgement of God, except some substantiall remedie be provided in time: and because this evil cannot be well cured, unlesse the original springs and special causes be ripped up, the Brethren, after mature deliberation, and weighing of the causes of the said defection, have found the principal causes to be, as followeth.

*Causes of the defection from the puritie, zeal and
practice of true Religion, in all Estates
of the Countrey.*

The principal cause of this fearful change, no doubt, is the just wrath of God kindled against the whole Land, for the unreverent estimation of the Gospel, and for the sinnes of all Estates, and dishonouring of their profession, and making the name of God to be blasphemed by the present world without remorse.

Lack of care and diligence upon the part of the Ministrie, in the discoverie of those that make Apostasie to Poperie; and negligence in execution of the Lawes and Discipline against such, as shall happen to be discovered.

Want of Pastors, and displanting of Kirks, which have been provided, by diminishing of the Thirds.

Neglecting of places that are of chiefeest importance to the interest of Religion, in not planting sufficient Pastors thereat, such as are *Her Maj. House*, the *Princes*, the *Earles of Huntlie, Errol and Angus* houses, and places of their chiefeest residence, the *Lord Homes* house, the *Lord Hereis* house, and chief places of their residence, as the *Town of Dumfreis*; and of others of the Nobilitie, and of greatest power within the Realme.

The too hastie admitting of men to the Ministrie, before they be known to be of sufficient gifts and experience, to discharge fruitfully that high calling in these difficil times.

The negligence of the Ministrie in advancing in their knowledge, by a continual and constant reading of the Scriptures, and Controversies of the time, where through they might be able to bring the consciences of their Auditors in subjection to the obedience of the Gospel, and convince the Adversarie.

Negligence in the lives of the Ministrie, not framing their con-

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versation in gravitie, as patterns to the people; but framing themselves excessively to the humors of men, specially in communication at tables, and giving sometimes examples of intemperancie, and in light and prodigal abuilzements of their familie.

The distraction of mindes, which is supposed to be in the Ministrie; and the distraction, which is supposed to be in his *Maj.* minde from some of the Ministrie.

The advancing of men suspected in Religion, and known to be evil affected to the good Cause, to offices, and honours, and credite in Court, Council and Session, and other rooms of great importance within the Countrey.

The desolation of the Kirk of *Edinburgh*, through want of Pastors.

The continual residence and intertainment of the Ladie *Huntlie*, a known professed Papist, of *Margaret Wood* sister to the Laird of *Bonintoun*, and others known and profest Papists, in his *Maj.* Court and companie.

The education of their *Maj.* Children in the companie of profest and obstinat Papists, such as the Ladie *Levingstoun*.

The negligent education of the Children of Noblemen, and sending of them out of the Countrey, under the charge of Pedagogues suspected in Religion, or at the least not well grounded and confirmed therein, to be brought up and instructed in places, where Papistrie is professed.

The impunitie of Skippers, Mariners and Owners of Ships, that under the name of passengers, transport from other places, and bring within the Countrey, Seminarie Priests, Jesuits, an other trafficking Papists, with their coffers and books: and the impunitie of such as convoy and spread these Books through the Countrey.

The decay of Schooles, and of the education of the youth, in the knowledge of good Letters, and Godliness; specially in uplandish parts, for lack of sufficient provision to entertaine a qualified Schoolmaster, in places needful.

That men suspect in Religion, and challenged for the same by their Presbyterie or Pastors, have accessse to Court, during the time of their processe.

That the late reconciled Papists are not urged to perform the conditions, agreed to by them, at their reconciliation to the Kirk.

For removing of the former evils and causes, and farther judgements, if they be not prevented by speedie repentance, the Assemblie ordained a general humiliation to be kepted solemnly, throughout the whole Land, by fasting and prayer, two severall Sabbath dayes, in all Congregations, both in Burgh and Land; & likewise to be observed the whole week betwixt the two Sabbaths in Burrow-Townes; and the causes of the said humiliation to be intimat to be the sinnes of the Land, by the which the profession of the Gospel hath been dishonoured, and the wrath of God provoked: and that this humiliation be observed the two last dayes of *June*. Then they set down the particular remedies.

To recommend to his *Maj.* care the unplanted Kirks, and that his *Maj.* would cause take heed, that the thirds be kepted unviat.

Nothing more necessare then to have his *Maj.* House, the Princes house, the Earles houses, and places of their residence, and other places of chief importance, as the Towne of *Dumfreis*, well planted with wise, godly and learned Pastors: and where the lack of provision may be a

The remedie of the former evils.

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hinderance to the present planting, as at the Earles houses, it were requisite for a time, that the meetest for that purpose, not being in places, where the cause may be so farre hurt by the want of a Resident Pastor, should be transported from their own places, to remaine for a quarter or half a year, till a substantiall mean may be found out for a constant provision, and planting of these rooms, by whose labours in the mean time the Earles, and their families might be confirmed in the truth, and the enemies debarred from their companies; and thereafter to return to their own charges, the Presbyteries in the mean while taking order for the helping of their Kirks, in the time of their absence. And to that effect ordains Mr *George Gladstones* to await upon the Earle of *Huntlie*, Mr *Alexander Lindsey* and Mr *William Couper* upon the Earle of *Erroll*, Mr *James Law* and Mr *James Spotswood* upon the Earle of *Angus*, Mr *John Carmichel* upon the Lord *Hume*, Mr *David Lindsey* and Mr *John Hall* upon the Lord *Hereis*.

That a Petition be given in to his *Maj.* and Secret Council, desiring that these whom his *Maj.* knowes, or shall know hereafter, to deal in favours of professed trafficking Papists, farther then the Lawes of the Countrey permit, shall be accounted and holden as men suspected in Religion, and shall not have the honour to be in his *Maj.* House, or upon the Council or Session.

That it be craved likewise of his *Maj.* and Secret Council, that all Papists, men and women, challenged by the Kirk for their Religion, and not satisfying the Kirk for the same, be discharged to resort to Court, while they have satisfied, and bring from the Presbyteries of their bounds, a sufficient testimonial of their obedience.

For discoverie of the Adversaries of true Religion, lurking within this Countrey, it is ordained, that every Presbyterie immediatly after the dissolving of this present Assemblie, take up the names of the non-Communicants within their bounds, and send them to his *Maj.* Ministers with all expedition, subscribed by the Moderator and Clerk of the Prebyterie, and Minister of the Parish; and that from that time forth at every Provincial Assemblie, the names of the non-Communicants be taken up, and sent to his *Maj.* Ministers.

Item, that it be enquired anent the late reconciled Lords to the Kirk, by their Presbyteries where they make residence, whether they have kept and performed the Articles, subscribed by them at their receiving, and that they be urged severally to perform every one of the said Articles; and if they refuse, that the Presbyteries certifie the Kings *Maj.* ministers thereof.

Item, for eschewing of further evil, which might come to the state of Religion, by the evil education of the youth out of the Countrey, it would be craved of his *Maj.* & Secret Council, anent such Noblemen or others, as direct a Pedagogue with their sonnes forth of the Countrey, that their Pedagogue be known godly, and of good Religion, learned, and instructed in the same, and approved in his Religion by the testimonial of his Presbyterie; that their remaining forth of the Countrey be in places, where Religion is presently professed, or, at the least, where is no restraint of the same by the crueltie of the Inquisition; that during the time of their absence, they shall not haunt any idolatrous exercises of Religion: and such as have not moyen to sustaine a Pedagogue with their sonnes forth of the Countrey, that they send them to parts, where there is

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no restraint of Religion. And in case their sons, after their departing out of the Countrey, haunt these parts, where the Profession of true Religion is restrained, that they finde caution not to intertaine them. And in case any that passe forth of the Countrey, imbrace any other Religion, then that which is professed presently within this Realme, that they shall not be able to enjoy moyen, heritage, honours or offices within this Realme; and this to be an exception against the service of their breeves, and at the time of the admission of them to any office or honours. And in case their Parents contraveen any of the premisses, that they incurre such pains as his *Maj.* and Secret Council shall modifie; and that such as are already out of the Countrey, either be called back againe, before a day to be appointed by his *Maj.* & Secret Council, or else that their Parents be subject to the like conditions, as are set down.

Item, it would be craved of his *Maj.* and Secret Council, that all Skippers, Mariners, and Owners of Ships, be inhibited to bring any Jesuits, Seminarie Priests, declared fugitive creatures, and Rebels within the Countrey; but such as they know to be of good Religion, or have sufficient Testimonial of their honestie in Religion, from the places where they have been conversant, under the paine of escheating their whole goods, under the same pain, that they deliver them in the hand of the Magistrat of the Town or Port, where they shall happen to arrive at, there to be kept till they be examined and tried, and his *Maj.* warrant be obtained for their libertie, after they have been tried, and found sound; and shall keep them, their books, goods and geir in Ship-boord, aye and while they receive a warrant of the ordinarie Magistrat, for releaving of the same; and to that effect that they set none on land, but in common Ports, where there is a Magistrat to receive their passenger off their hand.

Item, that his *Maj.* be earnestly dealt with, anent the removing of his Daughter out of the Ladie *Levingstoun's* company, in respect of her obstinat continuing in the profession of Papistrie: for which cause his *Maj.* being requested by the whole Assemblie, promised, that his Daughter should be transported before Martimas next to come, to his own house.

And because the non-planting of Kirks is in a great part the occasion of defection from puritie of Religion, and that the best way for planting of the said Kirks, is the furtherance of the constant Plat for local stipends to be appointed to every Kirk within this Realme. Therefore the Assemblie hath ordained the Brethren following, *Mrs David Lindsey, James Nicolson, Robert Pont, Patrick Galloway, George Gladstones, John Nicolson*, or any three of them, to convene upon the first day of *June*, with my Lords Chancellour, President, Secretarie, Collector, Comptroller, *Sir Patrick Murray* and *Mr George Young*, to treat and advise upon such overtures, as by their common consent shall be found most meet and expedient, for the advancing of the said work of the constant Plat, and to lay down such grounds, as they shall finde most profitable for prosecuting of the same; and to report their diligence to the next Assembly.

When the matter, concerning the transportation of the Ministers of *Edinburgh*, was motioned in the privie conference, the Brethren were earnest with the King for reponing of them in their own places. The King answered in a rage, what? Did not some of you say to me, when

The Ministers of
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I put them out ; Now, *Sir*, if ever they anger you againe , blame your self. These were some of the Commissioners, aspiring to Prelacies. When the matter came in publick, it was reasoned very hotly : yet five of them voted to the transportation of the three Ministers, *Mrs James Balfour, Walter Balcanquel* and *William Watson* ; twentie eight in the contraire, *six non liquet*. The King was so headstrong upon their transportation , that the greatest number yeelded. The Commissioners of the General Assemblie were ordained to plant such in their places , as should be fite. The King promised to submit himself, for *Mr Walters* part , to *Mr Patrick Galloway, Mr Robert Pont* and *Mr David Lindsey* ; and to be content, that the other two be planted in their rooms that were to come to *Edinburgh* , and the Act was formed accordingly. Nothing was concerned concerning *Mr Robert Bruce* , because he was out of the Countrey. *Mr John Hall* was already restored , and altogether for the Kings course.

The general Commission was renewed in the last Session as followeth.

The General Assemblie, having ripely weighed the necessitie of appointing Commissioners from this present Assemblie , not only to advise and awaite upon such affairs, as shall be for the well and utilitie of the Kirk of God ; but also in giving advice to his Maj. anent the holding forth of the enemies of the same , when they shall be required by his *Highness* thereto. Therefore the Brethren convened in this Assembly have given , and granted , like as by the tenor hereof they give and grant , their Power and Commission to their Brethren , *Mrs Alexander Douglas, John Strauchan, Peter Bleckburne, George Monro, James Nicolson, Andrew Leitch, Alexander Forbes, Patrick Simpson, William Couper, Alexander Lindsey, George Gladstones, William Scot, John Caldcleugh, Robert Wilkie, David Lindsey, Robert Pont, John Spotswood, John Hall, James Law, John Knox, John Abernethie, John Hay, Gawin Hamillstoun, Alexander Scrimger, David Barclay*, with the Kings Maj. Ministers, or any Nine of them ; giving , granting and committing to them their full power, to plant such Kirks in Burrowes Townes , as are destitute of Pastors in general ; and specially to plant the Kirk of *Edinburgh* , vacant by transportation of the Ministers thereof : with power also to plant *Mrs James Balfour, Walter Balcanquel* and *William Watson* Ministers, transported out of *Edinburgh* with his Maj. advice , in such convenient places , as they should think expedient to the glorie of God : with power also to transport any of the Ministrie within this Realme, from their own places where they presently serve , and to plant them in the said vacant places of the Kirks of *Edinburgh* ; in the planting whereof they should take advice of the Presbyterie of *Edinburgh* , according to the Acts and Statutes of the General Assemblie, made of before. *Attour*, if it shall happen the King to be greeved at any of the Ministrie, for whatsoever enormitie committed by any of them against his *Highness* , with power to them, or any Nine of them, as said is , to try and cognosce thereupon , and to take such order thereanent , as they shall finde most meet to the glorie of God, and well of the Kirk. And finally with power to them, to present the Grievances and Petitions of this present Assembly to his Maj. and Secret Council , and general Convention of the Estates and Parliaments, if any happen to be, and to crave redresse of the same , *Promitten. derato, &c.*

The general Commission renewed.

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It was ordained, that at every Assemblie in time coming, such as shall be appointed Commissioners, from the General Assembly till the next following, shall give an account of their proceedings, during the whole time of their Commission, in the beginning of the Assembly, before any other cause or matter be treated; and their proceedings to be allowed or disallowed, as the Assemblie shall think expedient.

A Commission for Visitation.

A Commission was likewise given to some Commissioners, the same for the most part that are named in the General Commission, to try the Brethren of the Ministrie, within the bounds designed for their Visitation, in their Life, Doctrine and Qualification; how they have behaved themselves touching the rents of their benefices, whether they have set racks of the same without consent of the General Assembly, and so dilapidated the same: To depose such as deserve deposition: to plant Ministers in such places as have not been planted heretofore: and to that effect to deal with the tacksmen of every Parish Kirk, for provision of a Minister to their Kirks; and to report to the next General Assemblie the answer of the tacksmen in writ, concerning the planting of the Kirks, whereof they possesse the tithes, and to report their deligence to the next Assemblie *Promitten. der ato*, &c.

Acts ratified.

In the *first* Session, the Acts made in former Assemblies, touching the discharging of particular Applications in the Exercises, & young men, not admitted to the Ministrie, from preaching in the chief places of the Countrey, were ratified: And it was ordained, that the same should be put in execution, under the pain of incurring the Censures of the Kirk.

Commission to revise the translation of the Bible and Psalmes in meeter.

In the *last* Session, it was meaned by sundrie of the Brethren, that there were sundrie errors in the vulgar translation of the Bible, and of the Psalmes in meeter, which required correcting; as also that there were sundrie prayers in the Psalm Book, that were not convenient for the time. It was therefore concluded, that for the translation of the Bible, every one of the Brethren, who had greatest skill in the languages, imploy their travels, in sundrie parts of the vulgar translation of the Bible, which need to be amended, & to confer the same together at the next Assembly. As for the translation of the Psalmes in meeter, it was ordained, that the same be revised by *Mr Robert Pont*, and that his travels be revised at the next Assembly. It was thought good, that the Prayers already contained in the Psalm Book, be not altered nor deleted: But if any other brother would have any other prayers, meet for the time, added, that the same be first tried and allowed by the Assembly.

The Kings vovves and Protestations before the Assembly.

About the end of this Assembly, the King discoursed upon the dutie of good Kings, in making and executing good Lawes, confessed his own negligence, vowed solemnly, holding up his hands, to execute Justice faithfullie, to defend Religion, to discredit all such, as in time coming shall prease to hinder him in the execution of Justice, or to attempt any thing to the prejudice of Religion; and desired all that were present, to vow to assist him to that effect. The Moderator desired the Brethren to give him a meeting, by intertaining a good estimation of him in the hearts of the people: which he desired them to vow by holding up of their hands, and this mutual Covenant be intimat to the people the next Sabbath. This indeed was the chief thing which was aimed at in this Assembly. Therefore it was that the course of Episcopacie was not farther advanced, then it was at the last Assembly.

Mr. John

Mr John Davidson was charged to compear before the Council the 26. of *May*, for his Letter sent to the last Assemblie. He was charged at direction of the Kings Letter to the Council, to enter in the Castle of *Edinburgh* before seven hours at night, under the pain of Rebellion. His ward was soon after changed, in respect of the infirmitie of his bodie, & he was suffered to remaine at his own dwelling-house. At last he received, upon the first of *June*, libertie to exerce his calling, in all the bounds of his Parish.

Mr Edward Bruce Lord of *Kinloss*, Ambassadour, sent to *Mr Robert Bruce* twice to come over to *London*, to conferre with him, and the other Ambassadour the Earle of *Marr*, and the Ministers there, and to do all that lay in him to countenance his Princes Actions. When he came, after some conference with the sincerer sort of the Ministrie, he shewed to them, that he was content, seing the Parliament, which is the great Assise of the Countrey, had condemned *Gourie* and his Brother, as guiltie, to speak nothing in the contraire; but to rest satisfied, as his Brethren in *England* rested satisfied with the trial of a great Assise, that passed against *Effex*. As they were content to publish *Effex* his Treason from Pulpit, not as from their own knowledge and pertwasion; so was he content to publish the other. They were not content with this answer; yet they brought him to *Berwick*, till the King declared what was his farther pleasure. He obtained licence to return to his own native Country, to travel in any part to do his lawful busines; *Edinburgh* excepted, and some miles about: but when he came, he was commanded to keep ward in his own house at *Kinnaird*.

Mr John Spotswood Minister at *Calder*, afterward pretended Bishop of *St Andrews*, accompanied the Duke of *Lennox*, who was sent in Ambassage to *France* in the moneth of *July*. He made no scruple to go in to *Masse*.

The King appointed *Mr Robert Bruce* to come to *Craigmillier*, to conferre with such as he had appointed. They met the fifteenth of *Januar*. the Kings Commissioners crave three things. 1. That he would approve the Book, set out upon *Gouries* conspiracie. 2. That he would purge the King, in such places as the King should appoint. 3. That he would crave the King pardon for his long distrust and disobedience. After his refusal, and long conference, they craved his answer in writ to these Articles.

Whether he be thoroughly resolved now of the form and manner of that treasonable attempt, committed against his *Maj.* at *Perth*, and specially of his *Maj.* honest minde, intention and miraculous deliverie; and of *Gourie* and his Brothers their vile & bloudie conspiracie, intended in the taking away of his *Maj.* Life, as is particularly set down in the printed Book, and Acts thereanent, or not?

As his doubting of that turn hath been the principal cause of the doubting of many, and of his *Highbness* slander in that point, if he be willing to utter in Pulpit, in such places as shall be appointed, his resolutions therein, according to the form of the said Article, as any of his *Maj.* good Subjects have done, craving pardon, and excusing his own incredulitie, and the slander rising thereupon: and wishing the people that any way doubted thereof; as they were ever readie to conceive doubts upon unjust grounds, only moved by his example, so now to be content by his means rightly to be resolved thereof.

James R.

M m m

Mr

1601.

Mr John Davidson confined.

M. R. Bruce cometh to *Berwick* and after is warded in *Kinnaird*.

Spotswood goeth to *Masse*.

1602.

I 602.

M.R.
Bruce his
answer to
the Kings
Articles.

Mr Robert answered, he was not the author of the said slander, none of his actions could produce that effect. As he was the Kings Subject, he never refused to do the dutie of a Subject: but as the mouth of God to utter in Pulpit, under the Authoritie of his calling, any thing; whereof he was not perswaded, he could not: for he is commanded to speak there from the Word, and from his own perswasion; to speak as the Oracles of God. That the chief causes of his, and the peoples doubting, were the strait urging of the Ministrie, the varietie of reports, and the sparing of *Henrison*. Place him, where God had placed him, he shall teach as fruitful Doctrine to the honour of the Magistrat, as God shall give him grace. But, said he, to go through the Countrey, to make Proclamations here and there, it will be accounted either a beastly fear, or a beastly flatterie in me. Neither so doing should I exeeem doubts, but rather raise greater; & do no good to the cause, but great harme: for people look not to words, but to grounds. I will be a partial and sparing blazer of my own infirmities. Others will be farre better heraulds of my ignominie, then I my self. My incredulitie hath turned already to my pains. And if it were lawful to ask, I would gladly know these good Subjects that say, they have uttered this form of Article in Pulpit, as is couched here? I wish they would put to their hands to it, that we may trust them. Other wayes, they but abuse his *Maj.* with words, and mask a feigned heart with the vail of faired language, thinking thereby to devolve the whole weight of the former imputation upon me. But God in his own time, I doubt not, shall clear me of it.

The pre-
tended
fear of the
Commis-
sioners of
the Gene-
ral Assem-
bly.

The Commissioners of the General Assemblie sent a Letter to the Presbyterie of *St Andrews*, dictated by *Mr George Gladstones*, and dated the 20. of *Januar*, wherein they desire the Brethren to deal with all Noblemen, Barones, and other Chief men within their bounds, that they may apprehend the danger imminent to Religion, the libertie of the Countrey, and their own particular estate, if the faction of the *Spanjard* prevail in this *Isle*, to assure them of the Kings steadfast resolution to hazard his Estate, Life and Crown in the cause of the Gospel; to execute justice against all sorts of Malefactors, Sorners and Rebels. They desire them to mark carefully the actions of all men; specially, such as either for Religion, or misliking of the present Government, or for necessitie of their own Estate, are inclined to novations, and troubling of the Kings Estate. That they advertise the Kings Ministers, as they finde occasion. That they acquaint them with particulars, which shall happen to fall out, so far as may be divulgat. This Letter was subscribed by *Mr David Lindsey*, *Mr John Hall*, *Mr Andrew Lambe*, *Mr Patrick Galloway*, *Mr John Abernethie*, *Mr Robert Pont*. This Letter was sent rather to intertain the Kings credite and their own, then out of fear of any danger, apprehended by them: and therefore *Mr Andrew Melvine* noted upon the back of this Letter, for a mock, *Hannibal ad portas*. The Inhabitants of *Dumfreis*, accused for going to Masse, in the beginning of the same moneth, were for the most part suffered to return home without punishment.

M.A. Mel-
vine con-
fined.

Mr Andrew Melvine prophesying at the exercise upon *Ephes. 5. 11.* about the end of *June*, touched the present corruption of the Kirk; and namely of the Ministrie of *St Andrews*. The King, upon their complaint, went to *St Andrews* in *July* after, & caused charge him to keep ward within the precinct of the new Colledge, under the pain of Rebellion. By the

Queen's

Queen's intercession he obtained licence to travel six miles about *St Andrews*. 1602.

The General Assembly, howbeit appointed at the last ordinarie Assembly to be holden at *St Andrews* the last Tuesday of July, was prorogated by the King, to the tenth of November: for now it was the custome, that the King appointed by Proclamations, at the Market Crosses, Assemblies to be holden, when and where he pleased. So the Assemblies conveneth in the Chappelroyal at *Halyrudhouse*, and beginneth the tenth of November.

When Mr *James Melvin's* vote was asked, at the election of the new Moderator, he answered as followeth; With all reverence of your *Maj.* before I speak any thing in this Assembly, I must protest, that, seeing it is convened extraordinarily, and not at the time appointed at the last Assembly, by your *Maj.* authority, and is kept here within your *Maj.* Palace, a place not accustomed heretofore for holding of the Assemblies of the Kirk; whatsoever shall be done therein, contraire to the Word of God, and former Constitutions of the Kirk, and established Discipline of the same (which God forbid) to be null & of no effect, and to be remedied at the next ordinary General Assembly of the Kirk of Scotland; & that their meeting in this place be not prejudicial to the Liberties of the Kirk, in appointing and keeping the diets of their meeting, conform to the Acts of Parliament. He would not give his Vote till the Clerk wrot his Protestation: yet it is not extant in the Register. Mr *Patrick Galloway* the Kings Minister, by pluralitie of Votes, was chosen Moderator.

The Commissioners appointed to attend upon *Huntlie, Errol and Angus, Home & Hereis*, were called on, to give an account of their diligence. Little or nothing was done. *Huntlies* excuses for not communicating, nor resorting to his Parish Kirk, & why Kirks were not planted in his bounds, were reported by Mr *George Gladstones*. The Commissioners appointed to wait upon *Errol* reported, he was a diligent hearer of the Word, provided Kirks of his own benevolence, would communicate, when the Sacraments should be ministred, in any of his own Kirks. Mr *John Spotswood* excused his not attending upon the Earle of *Angus* with attending upon the Duke of *Lennox*, in his Ambassage to France. His conjunct Commissioner could do nothing without him. The Ministers of the bounds, where he haunted, reported, that he resorted not to the hearing of the word, nor participation of the Sacraments; and that he intertained professed enemies to Religion in his companie, such as Mr *Charles Broun*. The absence of the Lord *Home* out of the Countrey, was an excuse for Mr *John Carmichel*. The Lord *Hereis* stayed short while in the Town of *Edinburgh*, which was a sufficient excuse for the Commissioners, which were appointed to attend upon him.

It was thought necessary, that Noblemens Houses & Families be planted with able and discreet Pastors, able not only to instruct, & confirm them, and their familie in the true Religion; but also to procure, that their families be not corrupted with the companie, and resorting of professed Papists, Jesuits, and other Seminarie Priests: and because such could not be found for the present, to undertake the charge. Therefore the Assembly thought good, that for a time Brethren meetest for the purpose, be borrowed from their own places, to remain, for the space of a quarter of year, continually with the said Noblemen, till a constant and permanent provision may be found out for planting of these rooms; and in the mean time, that the Presbyteries take order, that their places be furnished

A General Assembly at Halyrudhouse.

Mr James Melvin's Protestation.

Ministers appointed to attend upon the Popish Lords.

1602.

during their absence. *Mr William Scot* was appointed to remaine with the Marques of *Huntlie*: *Mr Alexander Lindsey* with the Earle of *Errol*: *Mr James Law* with the Earle of *Angus*: *Mr John Carmichel* with the Lord *Home*: *Mr Henrie Blyth* with the Lord *Maxwel*, so long as he remained in the Castle of *Edinburgh*: *Mr Robert Wallace* with the Lord *Hereis*: the Presbyterie of *Irving* and *Paisley* with the Lord *Sempil*. The Presbyterie of *Edinburgh* was appointed to have a care of the Earle of *Sutherland*, during the time of his remaining within the bounds of their Presbyterie, and to direct two Brethren of their number, with the like power, to await upon every one of the said Noblemen, that shall be found resident within their Presbytery. Some Brethren were appointed to penne some Articles for instruction of those, that were appointed to attend upon these Lords; which were allowed by the Assemblie.

Instructions for the Brethren appointed by the General Assembly, to attend upon the Marques of Huntlie, the Earles of Angus & Errol, the Lords Home, Hereis and Maxwel.

1. Ye shall addresse your selves with all convenient diligence, and necessarie furniture, to enter in their companie and families, there to remain with them, for the space of three moneths continuallie; during which time your principal care shall be, by publick Doctrine by reading and interpretation of the Scriptures, ordinarily at their tables, and by conference at all meet occasions, to instruct them in the whole grounds of true Religion and godliness; specially in the heeds controverted; and confirme them therein.
2. Take pains to Catechize their families ordinarily, every day once or twice at the least, or so often as may bring them to some reasonable measure of knowledge, and feeling of Religion, before the expiring of the time, prescribed for your remaining there; and let this action begin and end with prayer.
3. Presse to have their houses purged of all persons living inordinatly, whose evil example might be a slander to their profession; specially such as are of suspected Religion, and found any wayes busie in trafficking against the truth, or quietness of the Estate of the Countrey: and be careful to hold all such persons forth of their houses and companie.
4. Travel to have their Kirks planted with sufficient provision of stipends, and well qualified persons; and procure, that by their authoritie and assistance, the Discipline of the Kirk may have execution, within their bounds.
5. Perswade them to make honest provision of stipends for intertainment of resident Pastors at their houses, and chief dwelling places; and to make choise of learned, grave and wise Pastors, to be planted thereat.
6. Urge the performance of these Articles agreed upon, and subscribed at the time of their reconciliation, and registred in the books of the Assemblie, out of which ye shall extract them.
7. Informe the Kings *Maj.* from time to time, how they have profited, and what companie resorteth to them, and what disposition the companie is of.

The Brethren, appoited to sight the diligence of Visitors, appoited in the last General Assembly, found, that in all their diligence produced,

except

except *Cathness* and *Fife*, the Visitors have not exactly tried the life, literature and conversation of every Minister at his own Kirk, and by his own flock; but slenderly by a general view at the Synod: which the Assembly findeth fault with, and ordaineth to be amended in time coming. But this is the order, which was afterward observed by the Bishops.

Because of the great slackness of Visitors in times bypast, and carelessness of such as have been appointed to accept the same, it was ordained, that in time coming, such as shall be appointed Commissioners, shall accept the Commission upon them, and promise by their Oathes, in face of the Assembly, to use faithful and due diligence in the execution thereof, and to report the same in writ, to the next Assembly, under the pains contained in the Acts of the General Assembly.

Under colour of Visitation, the King and his ledhorse the Commissioners of the General Assembly, pressed to put two Bishops in Possession of their Ecclesiastical Jurisdiction. This was perceived, and opposed unto. Yet by Authority and cunning convoy, *Mr George Gladstones* his Commission for Visitation of *Cathness* was renewed, and for the fashion an order set down for Visitation. The drift and intent in appointing such and such Visitors, appeared afterward, as we shall remember in the own place. The Commission for Visitation here followeth.

Seß. 3. The which day, the Brethren convened in this Assembly, having ripely weighed how necessary it is, that there be general Visitation for enquiring in the Life, Doctrine, & Qualification and Conversation of every one of the Ministrie in particular; which albeit it was committed to the charge of the Visitors appointed by the last Assembly; nevertheless they, at least the most part of them, have used small or no diligence, in the execution of that profitable work, committed to their charge, excused partly by infirmities and sickness, and partly by the necessary affairs, wherein they were employed, as they alledge. Therefore the Assembly, not willing, that such a necessary & profitable work should want the own good execution and success, have nominat, and by these presents nominateth the Brethren following, their very lawful Commissioners for Visitation of the bounds underwritten, every one of them for their own parts, as they are particularly designed. *viz.* for *Orkney*, *Mr Robert Pont*: for *Cathness* and *Sutherland*, *Mr George Gladstones*, *Mr Alexander Raufon*: for *Ross*, *Mr David Lindsey*: for *Murray*, *Mrs Peter Bleckburne*, *Abraham Sibbald*: for *Aberdeen*, *Mrs William Scot*, *Alexander Lindsey*: for *Angus* and *Mernes*, *Mrs Robert Wilkie*, *James Melvine*: for *Perth* and *Stirling*, *Mrs James Martine*, *John Caldcleugh*: for *Fife*, *Mr James Nicolson*, *Robert Howie*: for *Lothian*, *Mrs Patrick Sharp*, *John Couper*: for *Merse* and *Teviotdale*, *Mrs John Carmichael* and *James Law*: for *Clidsdail*, *Mrs John Spotswood*, *William Arthure*: for *Air* and *Iruing*, *Mrs Andrew Boid*, *John Hay*: for *Nithsdail* and *Anandail*, *Mrs John Knox*, *Patrick Shaw*, *John Smith*: for *Galloway*, *Mrs John VVellsb*, *Hugh Fullartoun*: for *Argyle*, *Mrs Andrew Knox*, *Andrew Lambe*. Giving, granting and committing to them conjunctly, and in case of sickness of any of them, with power to the other, &c. to try the Brethren of the Ministrie, within the bounds particularly above committed to their charges *respective*, in their Life, Doctrine, Qualification, Conversation, and how they behaved themselves touching the rents of their benefices, whether they have set tacks of the same without consent of the General Assembly, or not; and

1602.

An Act
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1602.

The order
of Visitation.

so incurred the censure of dilapidation. With power also to trie the Presbyteries within the said bounds, if they have kept their ordinarie Conventions, and particular Visitations of their own Kirks, & used & exercised all such things as appertain to the Presbyterie. With power also to them, to trie every particular Congregation within the bounds committed to their Visitation. And generally to try every one of the Ministrie, Presbyteries & Congregations, conform to the particular order of Visitation, set down in this Assembly. And in case any fault or enormitie be found by them, in any of the said Visitations, with power to censure the same, according to the Act of the General Assemblie: and as they proceed in their said Visitation, that they report their whole processe and diligence to the next General Assemblie, *Promitten. de rato, &c.*

Seß 4. It being considered by the Assembly, that for lack of a constant and uniform order of visitation of Synods, Presbyteries and Particular Kirks, the labours and travels, taken hitherto, have been almost unprofitable and ineffectual. Therefore that a solid order may be observed in Visitations in all times coming, throughout the whole Kirks within this realme, the Assemblie ordains the Brethren following, *viz.* *Mrs Robert Pont, Patrick Galloway, James Carmichael, William Scot, Alexander Lindsey,* to advise anent the subject of Visitations, and the form and order of processe, that shall be used in the same, in all time coming, and to produce the same in writ to the Assembly to morrow.

Seß 5. The Brethren, appointed for penning the form and subject of Visitation of Kirks, gave in their advice, as followeth.

The Visitors shall appoint two or three dayes for the trial of every Presbyterie within the bounds of their Visitation; and by the space of a month, or twenty dayes at least, before their edicts, they shall make the Presbyterie acquainted therewith, and send the edict following, to be published at every Parish Kirk, by some other Brother, then the Minister at the place, that it may be truely execute, reported, and indorsed, to the Ministers, at the first diet of their meeting.

Edict.

Blank: For this edict was never formed.

Let the edicts be so directed, that an equal number fall to be tried in every one of the dayes, appointed for the trial of each Presbyterie: and the Commissioners of the Congregations be charged at their own diets accordingly. Try *first* the state of every Minister particularly: *thereafter* the state of the Congregation & Countrey: And *last* the state of the Presbyterie in general.

The particular trial of Pastors.

Try every Pastor severally, in his graces, and abilitie to discharge his calling, in his furniture of Books, and necessarie helpes, which may inable him in his calling; with what fidelitie and prudencie he discharge himself in Doctrine and Discipline, in his life, and estate of his living.

For this effect, inquire first of the Commissioners of his Congregation, what testimonie he hath of his own Session, and remanent of his flock: and

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in special, if he be resident in his Parish upon his manse and gleib, if his own Life, and Government of his Familie, be such as beareth no offence, but edifieth his flock. If he teach every Sabbath once or twice. If he teach any other dayes in the week. If he ministreth the Communion yearly, with due examination preceeding. If he hath an established Session of Elders and Deacons. If he keepeth a weekly Convention with the Session, for the exercise of Discipline. If he Catechize weekly a part of his Parish. If he keepeth an ordinar visitation of some families of his Congregation weekly. If he visiteth the sick and distressed, when occasion requireth. If he be careful to take away all eye-lasts and variances, that fall out in the Congregation.

Thereafter if need be, let him be tried by opening up some place of Scripture, and by questions. If it be inquired of him, what helps he hath for the advancement of his studies; and if he hath the text of the Scriptures in the original languages, in case he be seen in the tongues: If he hath *Tremellius* his translation of the Old Testament, and *Bekas* of the New, with the vulgar English Translation. If he hath the Common places: if he hath the Ecclesiastical Historie: what Commentaries he hath upon the Scriptures, and specially upon his ordinarie Text: if he hath the Acts of the Council of *Trent*: and what other writers of the controversies of Religion: if he useth the conference of Brethren for his resolution of the doubts, which he findeth in his reading; and of whom: if he has an ordinarie course of reading the Scriptures, Ecclesiastical Histories, and Controversies: if he maketh a memorial of his travels in writ: what is his ordinarie Text: if he be provided to the title of the parsonage, or vicarage; and if he has set any tacks thereof; to whom; and upon what condition; in whose hands are the rest of the rents of his Kirk; and what is the best overture that he can give for provision of a stipend thereat; in case it be not alreadie sufficiently provided: and sign the Session Book.

The Brother being removed, let the Presbyterie be inquired one by one, & declare upon their consciences, what they know anent his graces, fidelitie in Doctrine and Discipline, and anent his life and conversation: after which trial, let him be judged, and either allowed or admonished; or other wayes censured, as the cause requireth.

The triall of the Congregations.

Try every Minister particularly, if there be any Jesuits, Papists, Seminarie Priests, Traffickers against the estate of Religion, and quietness of the Countrey, within their Congregation; or Recepters of them: if there be any witches, excommunicats, contraveeners of the Discipline of the Kirk: if there be any superstitious dayes kept, by setting out of bonfires, or otherwayes: if there be any superstitious places of pilgrimages, wells, and chappels: if there be any non-Communicants: if there be homicides, or deadly feods: if there be any Adulterers, or Incestuous persons: if the Sabbath be profaned by keeping of markets, & labouring, specially in the time of harvest: and as they finde in the premisses, to take order for reformation of the points foresaid, or any part thereof.

1692.

Trial of the Presbyterie.

Let the Moderator be inquired, if they keep their ordinarie Conventions: if they have their monethly discourse upon the Common haed, & disputations: if they have visited the whole Kirks within their bounds, since their last general Visitation: if they take weekly and monethly an account of their Brethrens diligence, in discharge of their dutie, by Caretizing, and Visiting of their families: if there be any of their number, that be insolent, & will not acquiesce in the determinations of their Brethren: if there be any eye-list or division among the Brethren: what unplanted Kirks are in their bounds.

Which form the Assembly thinketh good, ratifieth, and approveth the same; and ordaineth it to be observed universally in all times coming; in all Visitations within this Realme: and ordains the power of the Visitors to be directed conform to the Acts of the General Assembly.

How this order of Visitation was neglected, and the Commission to Visite, abused, by some of the Visitors aspiring to Prelacies, shall be made manifest in the progresse of the storie.

The grievances of the Synod of Fife.

The Provincial Synod of *Fife* agreed upon some Articles, to be presented to this Assembly to be advised upon. They were often rejected, while at last, through their importunitie, they were read.

The Articles of the Synod of Fife.

1. It would be meaned, that the General Assemblies are not orderly kept, notwithstanding of the Acts of Parliament, and General Assembly, & necessitie of the time; but the diets thereof altered, without the knowledge of the Presbyteries and Synods.
2. That Ministers are called before his *Hightness* Secret Council in *prima instantia*, for Doctrine and Discipline: which is a great encouragement to the enemies.
3. That all applications, at Exercises of Presbyteries, are found fault with, under the pretence of the Act of the General Assembly; which Act therefore would be sighted, and clearly interpreted.
4. That the Government of the chief matters in the Kirk continueth in the hands of a few, under the name of a Commission, to the prejudice of the liberties of Synods and Presbyteries.
5. That the Doctors, bearing an ordinarie calling in the Kirk, by the Discipline and custome thereof, are debarred from the Assemblies.
6. That the Assembly hath taken no trial hitherto anent the Cautions, set down for avoiding of corruption in the Commissioners, Voters in Parliament.
7. That the absence of the Ministers of *Edinburgh*, & the alteration of the Ministrie there, where was the chief Watch-tower of our Kirk, hurteth greatly the cause of Religion, and encourageth the enemies.
8. That there is distraction of opinions, in weightie causes, different from that consent, which hath been in the Kirk before; & too little deliberation and reasoning had, whereby conclusions passe, almost the half of the Brethren gain-saying.
9. That the Land is defiled, and the Kirk endammaged, by the *French* Ambassadors Masse.
10. Persons, excommunicat for Papistrie, suffered to haunt the Countrey publickly and peaceably.

That

That the Noblemen lately relaxed from Excommunication for Papiſtrie, give no token of profeſſion in the contraire.

That Papiſts being apprehended, directions of letters are kept cloſe; and the danger, imminent thereby to the Kirk, not communicat to the watch-men, whereby they may make faithful warning, and prevent the peril.

That the Diſcipline of the Kirk againſt inceſt, murder and adulterie, is not execute with that holy ſeveritie, which becometh; notwithstanding of the frequent remiſſions, obtained by criminal perſons, for eſchewing of the civil puniſhment.

That the remedies, ſet down againſt apprehended danger, at diverſe times, and at diverſe meetings of the Kirk, are not followed forth.

Answer to the Articles.

Finds, that the General Aſſembly ſhould be appointed, and kept according to the Acts of Parliament, holden at *Edinburgh* the fifth of *June* 1592. years, whereof the tenor followeth, ſo farre as concerneth that point. And ſiclike ratifieth and approveth the General Aſſemblies, appointed by the ſaid Kirk; and declareth, that it ſhall be lawful to the Kirk and Miniſters, every year once at leaſt, and oftner *pro re nata*, as occaſion and neceſſitie ſhall require, to hold and keep General Aſſemblies; providing the Kings Maj. or his Commiſſioners with them, to be appointed by his *Hightneſſ*, being preſent at each General Aſſembly, before the diſſolving thereof, nominat and appoint a time and place, when and where the next General Aſſembly ſhall be holden: and in caſe neither his *Maj.* nor the ſaid Commiſſioners ſhall be preſent for the time, in that Town, where the General Aſſembly ſhall be holden; Then and in that caſe, it ſhall be leſſome to the ſaid General Aſſembly by themſelves to nominat and appoint time and place, when and where the General Aſſembly of the Kirk ſhall be kept and holden, as they have been in uſe in times by paſt.

If his Maj. ſhall proceed againſt Miniſters, according to his Maj. own Declaration, made and enacted in the General Aſſembly holden at *Dundie* 1597. *Seſſ.* 10. the deſire of the ſecond Article is ſatisfied, and no other thing meant thereby.

Thinks it expedient, that the Act anent application in Exercise, be interpreted not to be extended to forbid the uſing of the Word of God in application of the general end thereof, which is lawful to exerciſe after this manner: This heed of Doctrine ſerveth for refutation of ſuch an errour, or for rebuke of ſuch a vice; for comforting of a perſon, or people in ſuch a caſe. And as for particular & perſonal application, leaveth it to be adviſed, whether it ſhall be uſed in time coming, and how farre: and thinketh good, that this be reaſoned in the Presbyteries; and then that Commiſſioners be ſent with their reaſons to the next Aſſembly thereanent: and that in the meantime no novation be uſed anent perſonal Application.

That all Commiſſions be given and uſed, from this time forth, according to the Act of the General Aſſembly.

Finds, that Doctors have had, and many have Vote in the General Aſſembly, they having a lawful Commiſſion for that effect, according as hath been found and declared by the General Aſſembly holden at *Edinburgh* 10. *May* 1586. and at *Edinburgh* 1581. where it is found & declared

1602.

11.

12.

13.

14.

1.

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1602. by the Acts of the General Assembly, that Doctors should concur with the Elders in all Assemblies.

6. That the Caveats be looked to, and precisely kept in all time coming, under the pains contained in the Act made thereanent.

7. Answered in the Assemblie.

8. Nothing to be done and concluded in Assemblies, except it be sufficiently reasoned and deliberated.

9. Acquiesces in the Declaration of the Brethren, that have spoken to his Maj. thereanent, and desires Mr *Walter Balcanquhal* to shew the same to the Assembly, and how the Presbytery of *Edinburgh* is satisfied in this point.

10. That their names be given up, that his Maj. may take order with them, according to the Lawes; and in special with *Captain Halkerston*, *Patrick Butter*, *Mr Alexander Leslie*, *Duncan Law*, *Thomas Brown*, *William Leslie* of *Concraig* and *Patrick Mortimer*.

11. Answered in the Assemblie.

12. To acquiesce in his Maj. Declaration hereanent; and to request, that the Presbyteries be acquainted hereafter in such case, where it shall be needful.

13. Where there is negligence in this point, that it be amended hereafter, according to the Acts of the Assemblie.

14. That further diligence be used, where negligence hath been.

Which answers the Assembly alloweth, and ordaineth the same to be insert in the Books of the Assemblie.

The general Commission was renewed, as followeth.

The which day the General Assemblie, having advisedly considered the necessitie of appointing Commissioners from this present Assembly, not only to await upon such affairs, as shall be for the well and utilitie of the Kirk of God, but also to give advice to his Maj. anent the holding out of the enemies of the same, when they shall be required by his Maj. Therefore the Brethren, convened in this present Assemblie, have given, and granted, like as by the tenor hereof they give and grant, their full Power and Commission to their Brethren underwritten, viz. *Mrs Robert Pont*, *David Lindsey*, *George Gladstones*, *David Home*, *John Clappertoun*, *John Knox*, *John Spotswood*, *Alexander Lindsey*, *Robert Howie*, *John Hall*, *John Caldcleugh*, *John Strauchan*, *Andrew Knox*, *Garwin Hammiton*, *James Law*, *Andrew Boid*, *Alexander Douglas*, *Alexander Forbess*, *Andrew Leitch*, *Robert Wilkie*, *Patrick Sharp*, *Peter Bleckburn* and *Patrick Simpson*, with the Kings Maj. Commissioners, or any Nine of them. Giving, granting and committing to them their full power, to plant such Kirks in Burrow Townes, as are, or shall be destitute of Pastors. Attour, if it shall happen the Kings Maj. to be grieved at any of the Ministers, for whatsoever enormitie committed by any of them against his Highness, with power to them, or any nine of them, as said is, to trie and cognosce thereupon, and to take such order thereanent, as they shall think most meet to the glorie of God, and well of the Kirk. And finallie, with power to them to presente the grieves and petitions of this present Assemblie, to his Maj. and Secret Council, and general Convention of Estates and Parliament, if any shall happen to be; and to crave redresse of the same, Promitten. *derato*, &c.

Overtures
for a constant
Plat.

The Brethren, appointed to sit upon the constant Plat with his Maj.

Com-

Commissioners, being demanded, what effect their travels had taken, produced the Conclusions of the Commissioners of the said Plat, resolving in three heeds, out of which one should be chosen, as the readiest way for the effectuating the said work, the tenor whereof followeth.

Overtures of the Commissioners of the Plat, to be advised with his Majestie.

If every Ministers stipend being assigned out of the fruits of the Kirk, where he serves, by the benevolence of the tacksmen, that they shall grant to the augmentation of the said stipend, if there shall be perpetual securitie, made to the said tacksmen, of their tithes, upon a special grassum to be condescended upon for each chalder, for the space of nineteen years; & to be renewed yearly thereafter for the said space, for the like grassum, upon this condition, that the said principal tacksmen shall grant and renew the like securitie to their subtracksmen, for payment of their part of the said grassum *prorato*, where any subtracks are.

Or if the great benefices shall be provided to Ministers upon this condition, that all the Kirks of the Prelacies be planted with sufficient Ministers, and be provided with competent livings, as the Modifiers of the constant Plat shall think expedient; and he to pay to the Kings *Maj.* yearly the tenth part of the fruits of the said benefices, which shall rest by and atour the sustentation of the said Ministers: and that all the inferiour benefices shall be provided to Ministers, serving the cure at the said Kirks, as well Parsonages, as Vicarages.

Or if all the great benefices shall be dissolved, and the Prelat have the principal Kirk of the Prelacie, with the temporal Lands thereof; and the rest of the Kirks to be provided with qualified Ministers, and the said Prelats and Titulars of the said Kirks, to pay a yearly dutie to his *Maj.* as the benefice may bear, at the sight of the Commissioners foresaids.

Which overtures being read in presence of the Assemblie, it was ordained, that every Synod should have a copie to advise till to morrow, that they might give advice to his *Maj.* which of the three were most meet to be embraced.

The purpose of the King, and Commissioners of the General Assemblie, was perceived, and plainly withstood by such, as were sincere and judicious. A better then any of the three, set down formally in writ, was produced, to wit, a former Plat for planting all the Kirks of the Realme, by dissolving of the Prelacies, and planting of fiftie Presbyteries in their place, the Commissioners whereof should have Vote in Parliament. This was the Plat form set down by Commission from his *Maj.* and the Estates of Parliament, the year 1597. But this overture found no place. For the purpose was well prepared before hand, and so by the Votes of the evil advised multitude, this unhappie Conclusion past, as followeth.

Anent the overture given in by the Commissioners of the constant Plat, with which the Brethren were ordained to be advised, after mature deliberation and voting, the Assemblie thinketh the second overture most expedient to be accepted, bearing the provision of Ministers to all the Prelacies, with the conditions therein contained, as is before expressed.

1602.

Whom the
King may
present to
vacant
prelacies.

Libertie of
Noblemen
& Gentle-
mens
Sonnes re-
strained.

An Act
concern-
ing mar-
riage.

An Act
against Mr
Robert
Bruce.

Mr James
Melvin's
writ given
in to the
Assembly.

Item, the Assemblie thought expedient to adjoine, and nominat others out of the number of the Brethren to be adjoynd to these, which were nominated by the Commissioners of Provinces, convened at *Halyrudhouse*, the 15. day of *October* 1600. years : out of which number his *Maj.* shall make choise of such, as he shall presente to the benefices vacant. The names of them all are as followeth, *Mrs Robert Pont, Robert Howie, James Nicolson, Alexander Scrimger, John Forbes, Garwin Hammiltoun, George Monro, James Robertson, John Howison, James Melvine, Andrew Knox, Patrick Galloway, Alexander Douglas, Alexander Lindsey, Robert Wilkie, John Spotswood, William Malcome, Alexander Forbes, John Knox, Andrew Lambe, John Clappertoun, George Graham, Robert Bruce, Patrick Lindsey, John Carmichel.*

Many are named here for the fashion, who were never minded to accept the title of any Prelacie.

Because it was meand by the Brethren, that the supplication made in the last Assembly to his *Maj.* anent the restraining of the libertie of Noblemen and Gentlemens Sonnes, that passe forth of the Countrey to such places, where there is restraint of true Religion, hath taken no effect. Therefore his *Maj.* declareth, in the presence of the Assembly, that he would give a command to the Secretare, that he subscribe no warrant for passing of Noblemens and Gentlemens Sonnes forth of the Countrey, except they first finde caution, conform to the tenor of the Act made in the last Assemblie, anent the passing of Noblemen and Gentlemens Sonnes forth of the Countrey.

The Assemblie ordaineth, that no marriages be celebrat early in the morning, or with candle-light: and findeth likewise, that it is lawful to celebrat the band of Matrimonie upon the Sabbath day, or any other preaching day, as the parties shall require: and ordaineth, that no riotousnes be used at the same, upon the Sabbath day.

The King was earnest to have this libertie granted to celebrat Marriage upon the Lords day: and siclike for the Act following.

Item, it is statute, that the Sacrament of Baptisme be not refused to any infants, if the partie crave the same, he giving a Confession of his faith, upon any particular pretence; specially that Baptisme be not delayed to certain particular dayes,

At this Assemblie, *Mr Robert Bruce* was enjoined to utter in Pulpit, that which he offered before his departure out of the Countrey, and his resolution, which he subscribed at *Perth*: but he was neither called-on, nor heard.

Before the dissolving of this Assembly, in the penult Session, *Mr James Melvine* presented two heeds following to the Assembly. *First*, that seing the Ambassadors of *Christ* ought at all times convenient discharge His message to his Subjects: and howbeit the King be head of the Commonwealth; yet he is but a Subject to *Christ*, and a Member of his Kirk. It would please the *Kings Maj.* to hear *Christ's* Ambassadors discharge their message, upon the ground of Scripture following *Psal. 2. Kisse the Sonne, lest he be angrie. Matt. 22. Give to Caesar that which is Caesars, and to God that which is Gods.* The summe of which message, that it may be the better accepted, take it from the pen of that notable Father and Doctor of the Kirk, *Ambrose*, writting *ad Auxentium. Solvimus quæ sunt Caesaris, Caesari; & quæ sunt Dei, Deo. Tributum Caesaris est, non negatur. Ecclesia Dei est; Caesari utique addici non debet: quia jus Cæ-*

saris

saris esse non potest Dei Templum. Quod cum honorificentia Imperatoris nemo dictum potest negare. Quid enim honorificentius, quam ut Imperator Ecclesie filius dicatur? Quod cum dicitur, sine peccato dicitur, cum gratia dicitur. Imperator enim bonus intra Ecclesiam, non supra Ecclesiam est. Bonus enim Imperator querit auxilium Ecclesie, non refutat. Hac ut humiliter dicimus, ita constanter exponimus. Of this *Ambrose Bishop of Millan, Valentinian the Emperour* wrote to the people of *Millan* these words, *Talem in Pontificali constituite Sede, cui & nos, qui gubernamus Imperium, sincere capita nostra submittamus; & ejus monita, dum tanquam homines deliquerimus, necessario, velut curantis medicamenta, suscipiamus.* Next, that in case any thing be past and concluded in this present Assemblie, prejudicial or hurtful to the Discipline established by the Word of God, within the Kirk of Scotland, it may be remedied & amended at a better advised Assembly, according to an Article agreed upon at *Perth 1597.*

At this Assemblie, *Mr John Spotswood*, thereafter Bishop of *St Andrews*, was delated for being present at *Masse*, when he was at *France* with the *Duke of Lennox*. He was removed, notwithstanding of the opposition of the King, and some Ministers. Many voting that he should be suspended, or deposed. The King and Commissioners packed it up.

This writ was cast by, and no audience given to it: it was in effect an indirect protestation against the thraldome of the Assemblie. If any zealous Minister was to utter his minde, the King would boast or taunt; or his Minister *Mr Patrick Moderator*, an arrogant *Ignavo*, would imperiously command him silence. *Mrs Robert Bruce, Andrew Melvine, John Davidson*, men of great authoritie and credite in the Kirk, were with-holden from this Assemblie: and therefore no wonder matters went as they did.

After the Assemblie, *Mr Robert Bruce* was urged to preach in the little Kirk of *Edinburgh*; but not to re-enter to his calling. Time and place was appointed, and persons to observe his speeches, and to report them to the King. The words and matter were prescribed, whereas the Act of the last Assemblie left him libertie, in all these circumstances. He answered to the Commissioners that urged him, that he could not preach injunctions. This Kirk was never accustomed with them. It would have a farre better grace to speak as God should move him, then to speak by way of injunctions, or to speake as it were a cunne lesson, or to rehearse an A. B. C. put in a mans hand. Libertie was not granted to him to enter into his calling, and to deliver his minde, when and as God should move him. It was not obedience to the Act, which was craved; but only his disgrace, the readie way to make his Ministrie unprofitable. He shew to them, how farre he would speak in that matter, if he spake any thing in the chair of truth. That he had advised with the most learned of the Ministrie in *England*, who were urged in like manner to publish, in Pulpit, the treason imputed to *Effex*; how some of them refused: and when he asked at some of them, namely, at *Mr Wotton Preacher* at the Tower-hill in *London*, he answered, he refused not simplie, but only as from himself: for he neither saw, heard, nor knew any thing from himself. The knowledge he had, was from the Bench; and that farre he vvas contented to declare out of the Pulpit. They appeared to be well satisfied. But *Mr John Hall* intormed the King of every word, which passed among

This
Assemblie
not free.

M. R.
Bruce
urged to
preach the
Kings In-
nocence.

1603.
M. Robert
Bruce
strained
with the
Act of the
Assembly.

them. Loath was he, that *Mr Robert* should re-enter to his place, lest it should diminish his estimation.

Upon the 27. of *Januar*, *Mr Robert Bruce* sent a ticket to *James Aikenhead*, Bailiffe, willing him to signifie to his *Maj.* that he was readie to enter to his calling, God willing, the next Sabbath, and should do all that lay in his power, to pleasure his *Maj.* in God. *Mr John Hall*, after long conference between the King and him, returned this answer, in steed of these Words, *in God*, the King would have these words put in, according to the Act of the *Assemblie*. *Mr Robert* desired his *Maj.* warrant of his re-entrie to his calling, or reposition to his place. *Mr John Hall* returned answer, that his *Maj.* would have the first Sermon only a Sermon of satisfaction, and not to be counted for a re-entrie to his Ministrie there: and that he would give no promise of his re-entrie, till he were first satisfied. *Mr Robert* perceived clearly, that he was not sought to his calling, but to make a Sermon of satisfaction, which depended altogether upon the Kings interpretation: and if he continued in the minde, which presently possessed him, he looked for no good construction, but that the satisfaction should be endless. So he desisted from farther pursute: after he went home, understanding that sundrie of the Town Council understood not the proceedings betwixt the King and him, perfectly, lest his part should have been misconstrued, he opened his minde fully to them, in this letter following.

Mr Robert
Bruce his
Letter to
the Coun-
cel of E-
dinburgh.

Right worshipful Fathers and Brethren, lest any man should stand in doubt of my minde, and last offer to his *Maj.* I thought good with all diligence to deliver the hearts of men of that doubt, assuring all honest men, that I came of minde and thought verily to have entered to my calling, seing my reposition thereunto was the ground of that Act; and in my calling to have done all that lay in my possibilitie, to have satisfied his *Maj.* in God: and to this effect I craved, that the Act of Council, which stood against me, which closeth up my mouth, might be deleted; and that I also might have a warrant from his *Maj.* to testifie his *Maj.* good will to my free and full reposition: for the example of *Mr William Watson* learned me to seek these things in time. And seing these things were refused to me, and a warrant to make a Sermon of satisfaction was only offered to me; to eschew his *Maj.* farther irritation; as also to eschew the bringing-in of a preparative touching Sermons of satisfaction, I choosed rather to retire with the peace I had already gotten, nor to do any thing, whereof I was not well resolved as yet, how it might stand with the good pleasure of my God. For in the chair of truth, I am resolved by his grace to follow the Word & Spirit of truth, to do there as that Spirit and Word shall direct me. If I should promise any other thing, I might well procure the wrath of God, and kindle a fire within my own conscience: but it lay not in my power to perform any further, then as the Lord should furnish. So I desired, as the free man of God, to go free to his chair of truth, hoping certainly to have given contentment to all honest hearted men. So in a word, *Brethren*, assure yourselves, that I was minded to have entered to my calling, and to have done in that matter, touching that Act, and in all other matters, so farre as God by his Spirit would have assisted me; and in this minde I remaine as yet, and pray you to do all that lyeth in your possibilitie to pleasure his *Maj.* in God, to whose happie and blessed protection I commit you.

M. R.
Brucses
placede-
clared va-
cant.

The Commissioners of the General Assemblie, meeting the 25. of

Februar.

1603.

February, without citation preceeding, declared Mr *Robert Bruce* his place to be vacant, and that they had found, that his not re-entrie to his Ministrie in *Edinburgh*, was through his own default. Whether it was through his own default or not, the Reader may judge by that which hath alreadie been said. It appeared never to have been their minde, that he should be settled again in his Ministrie, in *Edinburgh*: for they understood very well, that he was a faithful Watchman, and standing in the chief Watch-tower, would give warning to all the Professors of whatsoever danger imminent, or corruptions entering in the Kirk; and specially of the Episcopacie, which they were advancing so farre, and as fast as they might. And indeed if he had been re-established in his Ministrie in *Edinburgh*, by all appearance, they had never attained to their purpose: for he was weightie and powerfull to work detestation in the hearts of the people of any corruption, that was entering; and was throughly set against this woful *Hierarchie*, as the bane of Religion. Sir *Patrick Murray* was to be sent to the Council of *Edinburgh*, to seek a Ratification of this Act. Whereupon Mr *Robert*, upon the tenth of *March*, directed this Letter abovementioned to them: but these that favoured him thought it not expedient, that it should be presented; because the contents would come to the Kings cares, and would disturb the peace alreadie transacted betwixt the King and the Town-Council. They had been threatned with letters of horning, to ratifie the decreet of the Commissioners. But Mr *John Hall*, a gracious Court-Minister, at their Request, diverted the King from that course.

At the same very diet, that the Commissioners of the General Assemblie had declared Mr *Robert Bruce*'s place in *Edinburgh* to be vacant, they ordained (the King himself being present) Sir *John Ker* of *Little-dane*, an Adulterer, his wife yet living, to adhere to *Dam Margaret Whytlaw*, an Adulteresse, her husband the Laird of *Innerwick* yet living; approved her marriage, notwithstanding that he had committed adulterie with her before, ordaineth them to be absolved from the sentence of excommunication, which was pronounced by the Ministers of the South. So well did their proceedings agree with other, and so like were they unto themselves. But the Lord justified the proceedings of the Ministers of the South: for she ended her life with great torment, and in great miserie; and he himself died after, little better then a begger, his living being all wasted and consumed.

The King was Proclaimed King of *Scotland, England, France* and *Ireland*: at the Crosse of *Edinburgh*, the last of *March*: which was done with noise of Trumpets, playing of Instruments, singing and acclamation of the people.

The Ministers in and about *Edinburgh* went to the King, to congratulate his Exaltation; at which time some made mention of Mr *John Davidson*, and the King seemed not to be averse from his relief. Whereupon the Presbyterie of *Edinburgh* sent to him a Letter, requesting him to write to his Maj. a Letter of Congratulation; which he did. Mr *Alexander Dickson*, Master of the Art of Memorie, sent back this Letter following for an answer.

Sir, I presented your Letter and suit to his Maj. who is content to admit you to his presence, and to release you of your restraint, as also to receive you to his old grace and favour againe, if you shall acknowledge, that you have failed to his Maj. and in humble manner crave his *Hightness*

Sir John Ker absolved by the Commissioners.

King James Proclaimed King of England, &c.

Mr John Davidson frustrat of his relief.

Pardon;

1603.

Pardon; which in all Love I advise you to do, and I trust you shall. Thus I take my leave, and commits to God ever to inspire you the best.

Your Brother in Christ

Alexander Dickson.

If you take this course of acknowledgement, you are to condescend upon the particular offences of a Protestation against an Assemblie holden at *Edinburgh*, and of a Letter of yours to the Kirk anent another; whereof you craving his *Maj.* Pardon, acknowledging the offence, and promising to use all good and dutiful formes hereafter, he hath willed me to tell you, that you may come to him; which in all love yet again I advise you to do. And whereas I am not to be with his *Maj.* as he rideth to *Berwick*, so that I cannot await upon this service: you will, I think, make your redresse to *Mr Patrick*, who will be very glad to see you given to the good recoverie of his *Maj.* favour. The Lord be with you.

This Postscript was written at the *Kings* own direction, whereby ye may see little, or no relenting of his wrath, notwithstanding of his present great preferment. No favour without acknowledgement of an offence, where there was none.

The Kings Harangue in the great Kirk of *Edinburgh*.

The King had an Harangue, in the great Kirk of *Edinburgh*, on the Lords day the 3. of *April*, wherein among other speeches, he had these words, *As God hath promoted me to a greater power, then I had; so I must endeavour to establish Religion, and to take away corruption, in both the Countries. Ye need not doubt, but as I have a bodie as able as any King in Europe, whereby I am able to travel; so I shall visite you every three years at least, or oftner as I shall have occasion; (for so have I written in my Book directed to my Sonne, and it were a shame to me not to perform that, which I have written) that I may with my own mouth, take account of the execution of Justice of them that are under me, and that ye your selves may see and hear me, and from the meanest to the greatest have acceffe to my Person, and poure out your complaints in my Bosome. This shall ever be my course.*

Mr R. Bruce his last admonition to the King.

Mr Robert Bruce, by the perswasion of some of the Presbyterie of *Edinburgh*, came to *Edinburgh* upon the fourth of *April*. But doubting of the Kings disposition, he was loath to go to him. But the day following soon in the morning, the King sent for him. He congratulated the Kings preferment, and with all exhorted him to take heed to his own heart, that it be not deceived with the glorie and glance of earthly things; and seing God had preserved so many Crowns and Kingdomes for him, that he would imploy his whole credite and care, for the preservation of his own Kingdome. The King acknowledged, and professed, it was his dutie so to do; but made no mention to him of any thing touching his Preaching, or entrie to *Edinburgh*. *Mr Robert* himself was loath to make any mention of it, not knowing the Kings minde, lest he should bring himself in a greater strait. Other wayes he had as good a countenance of the King, as ever he had, in his own judgement. He went againe to the King, as he mounted on horseback, and took his leave; and yet not a word of his reposition.

This

This day, to wit, Tuesday, the fifth of April, the King entered in his journey towards England, accompanied with sundrie Lords and Gentlemen of both the Nations. The Cannons of the Castle were shot at his departure out of the Palace of Halyrudhouse.

When the King was riding through Prestoun, the Laird of Ormestoun intreated for relief of Mr John Davidsons confinement. The King answered, his hands were bound by a promise, he had made to the Commissioners of the General Assemblie.

The Ministers of the Synod of Lothian, being convened at Hadinstoun. Mrs Robert Wallat, James Carmichael, Archibald Oswald, Henrie Blyth, Michael Cranstoun, James Murhead, were appointed to await upon him, for an answer to their Articles, to wit: First, The suppressing of Papists in his absence, and preservation of Discipline. Secondly, for order touching their stipends. Thirdly, for relief of the good Brethren of the Ministrie in England. Fourthly, for the libertie of warded & distressed Brethren of the Ministrie in Scotland. To the first he answered; That that matter would require more time, & the Discipline shall not be altered. To the Second, That the order taken should stand, while afterward. To the Third. That he was not minded at the first to urge any alteration. As for Mr Cartwright, Mr Travers, and some others, he understood they were at freedome: He will shew favour to honest men, but not to Anabaptists. To the Fourth, That Mr Robert Bruce & he had parted good friends; that Mr Andrew Melvine had libertie of six miles about St Andrews; that he looked Mr John Davidson should have offered himself to him, as he came through Prestoun. But Ormestoun reported otherwayes. The King desired them to shew their Brethren, that it was his will, they should keep unitie & peace, without altering any thing concluded in the Assemblies, where he was present in person: for it was not his purpose to make any farther Innovation. He said the like, in his harangue in the Kirk of Edinburgh, where he thanked God, that he had settled both Kirk and Kingdome, and left them in that Estate, which he intended not to hurt, or alter any wayes, his Subjects living in peace. So Mr Andrew Melvine and Mr John Davidson were left confined, and Mr Robert Bruce excluded from his Ministrie in Edinburgh. Whereas the goales, by the way to London, were made open, as he passed alongs, and the prisoners set at Libertie.

The King made his entrie in London, upon the seventh of May. The solemnities used, and the Oration had by the Recorder, I passe by, as not material for the scope of this storie.

Monsieur De la Font had an harangue to the King, in name of the French and Flemish Kirks at London, and eliewhere in the Countrey: wherein he desired the King to be their Protector, as Queen Elizabeth and King Edward, his Predecessours, had been before; and to confirm their liberties, touching their free exercise of Religion, Merchandice & Crafts. The Kings Answer was to their contentment. *Ye know, as for my Religion, what I am, not only by the bruit, which ye have heard of me; but also by my writs, wherein I expresse lively the affection of my heart. Therefore I need not many words to expresse my good will towards you, that have fled hither for Religion:*

The King entered no sooner in London, but the pest brake up, and raged. Saint James his day was appointed for the solemnitie of the Coronation; but the streets, by reason of the plague, became almost desolat,

1603.

The King entereth in his journey.

No relief for Mr John Davidson.

The Kings Answers to the Commissioners of the Synod of Lothian.

The Kings entrie to London.

The Kings Answer to Mr De la Font.

The Pest raged at London.

1603.

The Queen
and Prince
take jour-
ney to
England.
The Coro-
nation.

and the pageants stood without spectators almost to gaze upon them.

Upon the first of *June*, the *Queen* and *Prince Henrie* took journey to-
wards *England* *Ladie Elizabeth*, being sick the night before, stayed till
the third of *June*, and then followed after softly.

Notwithstanding the Pest raged, the Coronation was celebrat upon the
25. of *June*, with the accustomed rites, in the collegiat Church of *St Pe-
ter of Westminster*.

Some weeks before the Coronation, some Popish Priests, combining
with others of better rank, contrived the surprizing of the *King & Prince
Henries* Persons. They intended to retain them Prisoners in the Tower,
or if the Tower were not sure, to carrie them to *Dover Castle*; and there
by violence, either obtain their own pardons, and toleration of Religion,
and removal of some Counsellours; or else to attempt farther. *Watson* and
Clerk, two Priests, alledged the fact was lawful, it being done before the
Coronation; for that the King was not King before he was anointed, and
the Crown solemnly set upon his head. The other persons, involved in this
attempt, were *Henrie Brooke*, *Lord Cobhame*, and *Lord Warden* of the
Cinque Ports, *Thomas Lord Gray* of *Wiltoun*, *Sir Walter Raleigh*, *Sir
Griffon Markham*, *Sir Edward Parham*, *George Broake*, *Bartholomew
Brooksbie*, Esquires, & *Antonie Cople* a Gentleman. Their apprehension,
indictment, & the rest that followed, the Reader may finde in the English
Histories.

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The con-
ference at
Hamptoun
Court.

A Conference was appointed to be holden at *Hamptoun Court* the 14.
of *Januar*, betwixt some Bishops on the one side, & Ministers on the other.
The good Professors in *England* were put in hope of a good beginning of
Reformation, and Letters were sent by them to sundrie parts of the Coun-
trei, to take a survey of the Ecclesiastical Estate, & of the grievous abuses
of the Court: but they were disappointed of their expectation. Two or
three were appointed of the sincerer side, that were not found, and only to
spy or prevaricat. Sundrie reports went of the Conference, different from
that relation, which is set forth in print by *Barlo*. I have therefore set down
here that relation, which *Mr Patrick Galloway* sent from *London* to the
Presbyterie of *Edinburgh*, after it was revised by the King himself.

Beloved Brethren, after my very heartie Commendations, these presents
are to shew you, that I received two of your Letters, one directed to his
Maj. and another to my self, for the using thereof; the samine I read, closed,
& three dayes before the Conference, delivered it unto his *Maj.* hands, &
received it back again, after some short speeches had upon a word of your
Letter, as *the gross Corruptions of this Church*; which then was expounded,
and I assured, that all corruptions dissonant from the word, or contraire
thereto, should be amended. The twelfth of *Januar* was the day of meet-
ing, at what time the Bishops called upon by his *Maj.* were gravely desired
to advise upon all the corruptions of this Church, in Doctrine, Ceremonies,
and Discipline; and as they will answer to God in conscience, and to his
Maj. upon their obedience, that they should return the third day after,
which was Saturday. They returned to his *Maj.* and there apposed as of
before, it was answered, all was well. And when his *Maj.* in great ferven-
cie brought instances to the contraire; they upon their knees with great
earnestnesse craved, that nothing should be altered, lest Popish recusants,
punished by penal Statutes for their disobedience, & the Puritans, punished
by deprivation from calling and living for non-Conformitie, should say;
they had just cause to insult upon them, as men, who had travelled to bind

them

them to that, which by their own mouthes now was confessed to be erroneous. Alwayes after five hours dispute had by his *Maj.* against them, and his *Maj.* resolution for Reformation intimated to them, they were dismissed that day. Upon the 16. of *Januar*, being Munday, the Brethren were called to his *Maj.* only five of them being present, and with them two Bishops, and six or eight Deanes. Here his *Maj.* craved to know of them, what they desired to be reformed: but it was very loosely & coldly answered. This day ended after foure houres talking, and Wednesday the 18. of *Januar* was appointed for the meeting of both the parties. Whereas before, the parties being called together, the heeds were repeted, which his *Maj.* would have reformed at this time; and so the whole action ended. Sundrie, as they favoured, gave out copies of things here concluded: whereupon my self took occasion, as I was an eare and eye witness, to set them down, and presented them to his *Maj.* who with his own hand mended some things, and eeked other things, which I had omitted. Which corrected copie with his own hand I have, and of it have sent you herein the just transumpt word by word. And this is the whole. At my own returning, which, God willing, shall be shortly, ye shall know more particulie the rest. So till then taking my leave, I commit you to the protection of the most High, and your labours to the powerful blessing of Christ. From London this tenth of *Februar* 1604.

Your Brother in the Lord to his uttermost

M. P. Galloway.

The cause of my delay to write, was my awaiting on his *Maj.* pleasure, to obtain that copie spoken of before, as it is, that so I might write, as it was allowed to stand, and to be performed.

A Note of such things as shall be reformed.

1. *Of Doctrine.*

That an uniform, short and plain Catechisme be made, to be used in all Churches, and Parishes in this Kingdom. There is alreadie the Doctrine of the Sacraments added, in most clear and plain termes.

That a Translation be made of the whole Bible, as consonant as can be to the Original Hebrew & Greek; and this to be set out, and printed without any marginal Notes, and only to be used in all Churches of *England*, in time of Divine service.

That no Popish nor Traiterous Books be suffered to be brought in this Kingdom, and that strait order be taken, that if they come over, they be delivered, or sold to none, either in Countrey, or Universities, but to such only as may make good use thereof, for confutation of the Adversaries.

2. *Of the Service Book.*

That to the Absolution shall be added the word of pronouncing the Remission of Sinnes.

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That to Confirmation shall be added the word of Catechizing, or Examination of the Childrens faith.

2.

That the privat Baptisme shall be called, the privat Baptisme by the Ministers, and Curats only: and all these questions, that insinuat women or privat persons, to be altered accordingly.

4.

That such Apocrypha, as have any repugnance to Canonical Scripture, shall be removed, and not read; and other places chosen for them, which may serve better, either for explanation of Scripture, or instruction in good life and manners: and specially the greatest part of such places as were given in writ.

5.

The words of Marriage to be made more clear.

6.

The Crosse in Baptisme was never counted any part in Baptisme, nor signe effective, but only significative.

3. Of Discipline.

1.

The Bishops are admonished to judge no Ministers, without the advice and assistance of some of the gravest Deanes and Chaplains.

2.

That none shall have power to Excommunicat, but only their Bishops in their Diocies, in the presence of these foresaid; and only upon such weightie and great causes, to which they shall subscribe.

3.

The civil Excommunication now used, is declared to be a meer civil Censure: and therefore the name of it is to be altered; & a writ out of the Chancellarie to punish the contumacie, shall be framed.

4.

That all Bishops, nominated to that effect, shall set down the matters, & manner of proceeding, to be followed hereafter in Ecclesiastical Courts; and modifie their fees.

5.

That the Oath *ex officio* be rightly used, *id est*, only for great and publick slanders.

6.

That the Bishops be careful to cause the Ministers note, in every Parish of their Diocies, the names of all recusants; as also the names of such as come to Church, and hear preaching, but refuse to communicat every year once; and to present the same to the Bishop, and the Bishop to the Archbishop, the Archbishop to the King.

7.

That the Sabbath be looked to, and better kepted throughout all Diocies.

8.

That the High Commission be rightly used, the causes to be handled, and the manner of proceeding therein to be declared; and that no person be nominated thereto, but such as are men of honour and good qualitie.

4. Of the Ministrie.

1.

That the reading of Ministers, that are of age and not scandalous, be provided for, and maintained by the person preferred to preach in his room, according to the valour of the living: and that the unlearned and scandalous be tried, and removed from these places, and learned and qualified be placed for them.

2.

That as many Ministers, as may be had with convenient maintenance for them, may be placed in such places, where there is want of Preaching, with all haste.

3.

That learned and grave Ministers be transported from the parts, where the Gospel is settled and planted, to such parts of the Kingdom, where greatest ignorance is, and greatest number of recusants are:

That

That Ministers, benefited men, make residence upon their benefices, and feed their flocks with Preaching every Sabbath day.

That pluralists, and such as presently have double benefices, make residence upon one of them; and that these their benefices be as near other, as he may preach to the people of both, their week about: and where they are farther distant, that he maintaine therein a qualified Preacher.

5. *For Schooles.*

That Schooles in Cities, Townes and Families, throughout all this Kingdome, be taught by none, but such as shall be tried and approved to be sound and upright in Religion: and for that effect, that the Bishops, in every one of their Diocies, take order with them, displacing the corrupted, and placing honest and sufficient, in their places.

That order be taken with Universities, for trial of Masters and Fellowes in Colledges; and that none be suffered to have the cure of instructing the youth, but such as are approved for their soundness in Religion; and that such as are suspected, or known to be otherways affected, be removed.

That the Kingdome of Ireland, the borders of England and Scotland, and all Wales be planted with Schooles and Preachers, as soon as may be.

The Ministers have been this long time past, and shall be in all time coming urged to subscribe nothing, but the three Articles, which are both clear and reasonable.

Articles, whereunto all such, as are admitted to Preach, Read, Catechize, Minister the Sacraments, or to execute any other Ecclesiastical function, do agree and consent, and testifie the same by the subscription of their names.

That his Maj. under God hath, & ought to have, the Sovereignetie over all manner of persons, borne with-in his Realmes, Dominions and Countreyes, of what Estate either Ecclesiastical or Temporal soever they be; and that no other Power, Prelat, State or Potentat hath, or ought to have, any jurisdiction, power, superioritie, pre-eminence, or authority Ecclesiastical or Spiritual, within his Maj. said Realmes, Dominions or Countreyes.

That the Book of Common Prayer, and of Ordaining of Bishops, Priests and Deacons, containeth nothing contraire to the Word of God; and that the same may be lawfully used: and that I my self, who do subscribe, will use the forme of the said Book, prescribed in publick Prayer, and Administration of the Sacraments, and none other.

That I allow the Book of the Articles of Religion, agreed upon by the Archbishops and Bishops of both the Provinces, and whole Clergie, in the Convocation holden at London in the year of our Lord 1562. and set forth by Authoritie: and do believe all the Articles therein contained, to be agreeable to the Word of God. In witnesse whereof, I have subscribed my name.

This Reformation, as it is here set down, is farre different from that, which is set down by Barlo; and no way is such, as the sincere Professors of England expected. Mr James Melvins was present in the Presbyterie of Edinburgh, when this Letter with these Articles were presented and read. All others keeping silence, he craved two things:

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3.

Mr James Melvin's speech to the Presbyterie of Edinburgh.

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First, that they would, as Christian and Brotherly compassion craved, be grieved and touched with sorrow with many Godly, and learned Brethren in our neighbour Countrey, who having expected a Reformation, are disappointed, and heavily grieved. And if no other way could be found for help, that they would at least help by their prayers to God, for their comfort and reliefe. *Next*, that seeing the Presbyterie of *Edinburgh* had ever been as the *Sion*, and Watch-tower of our Kirk; and the Ministers thereof, the chief watchmen, that they would watch and take heed, that no peril, nor contagion come from our neighbour Kirk, and give warning, in case there be occasion, to the Presbyteries throughout the Realme; and namely, that they take heed at this Parliament, which is indicted by Proclamation, and intended for Union of the two Realmes.

The Presbyterie of *Edinburgh* had written to *Mr Patrick Galloway*, to intreat the King for a General Assemblie. After sundrie delaying answers, he promised to come down to that end (for he was Moderator of the last:) but when he came, no such effect followed.

No hope
of Reform-
ation in
England.

There came forth two Proclamations in *England*, in the moneth of *Februar*, and beginning of *March*. The one against Jesuits and Seminarie Priests: wherein notwithstanding the King acknowledged himself very much beholden personally to the new Bishop of *Rome*, for his kind offices and privat temporal carriage towards him, in many things; and professed he should be ever readie to requite him. as Bishop of *Rome*, in state and condition of a secular Prince. The other concerning matters concluded in the Conference holden at *Hampton-Court*, which confirmed the Ecclesiastical Government, and Book of Common Prayer, as *Queen Elizabeth* left them; to the great grief of sincere Professors. A Convocation of the Clergie was appointed to conferre, treat and agree upon such Orders, Canons and Constitutions; as they should think meet to be kept in time coming; and to sit from time to time, during the first Parliament. The Canons and Constitutions, agreed upon by them, were ratified by the King. Many things grown out of use, were established: and the Godly put out of all hope of any Reformation. We could therefore expect no good here in *Scotland*.

The Kings
Speeches
in the Par-
liament of
England.

The King, in his Speech in the Upper-House, before the Lords spiritual and temporal, the Knights and Burgesses, assembled upon munday the 19. of *March*, the first day of his first Parliament in *England*, professed, that the Sect of Puritans, or Novellists, was not to be suffered in any well governed Commonwealth: for their confused form of Policie, partie, continual discontentment with the present Government, and impatience to suffer any superioritie. He acknowledged the Church of *Rome* to be our Mother Church, although defiled with some corruptions. That he would be content for his own part, to meet these of the *Roman* Kirk in the midway, so that all Novelties might be renounced on either side. And wished from his heart, it would please God to make him one of the instruments of such a general Christian Union in Religion, as, laying wilfulnesse aside on both hands, we might meet in the mids.

A Con-
vention of
Commis-
sioners.

The Synod of *Fife* convened at *Falkland*, and directed Commissioners to attend upon the Commissioners of the General Assembly at the Parliament, which was to be holden in *Edinburgh* the 24. of *April*. *Mr Patrick Galloway* & *Mr David Lindsey* Bishop of *Ross*, lately come from Court, reported in a full Convention of the Commissioners of the General Assemblie, and other Commissioners from Synods, that they

had

had craved a General Assembly to be convoked, before the holding of the Parliament; but that the King had answered, it was needless, in respect nothing was to be treated at the Parliament, but the Union of the two Realmes, wherein the Kirk had no interests, and whereby the Order and Discipline of our Kirk should no wayes be prejudged. As if there were not continual need of a General Assemblie once in the year, for the affairs of the Kirk; and Libertie had not been granted by Act of Parliament to that effect. Neither is it likely, that they sought an Assemblie, but rather hindered it, fearing to be crossed in their maine purpose. Alwayes the Commissioners of the Synod answered, That the Réalmes could not be united, without the Union and Conformitie of the Kirks Government, and Worship; and how could the Kirks be united, unlesse the one gave place to the other. It was *replied*, that nothing was to be done at this Parliament, but choosing of Commissioners to treat upon Union, and to report. It was *answered*, that commonly as matters passed in conference and treaties, so they passe in full meetings. Therefore the greatest danger was in the want of skill, fidelitie, vigilancie, and good affection in the Commissioners. Who could undertake Commission for the Kirk, in so weightie a matter, without direction and warrant from the General Assembly? or who could be called Commissioners from any Estate, or take the charge upon him, unlesse he be chosen, and receive Instructions from the same Estate? To this it was *answered*, that the Kirk had appointed some to vote in Parliament, and the Parliament might choose. It was *replied*, That such were either the old Prelats, or the new named Bishops. If the old Prelats, there have been exceptions and protestations from time to time against them, as neither bearing Office in the Kirk, nor having Commission from the same. If new named Bishops, there was an expresse Caution discharging them to presume to propone any thing in Parliament, in name of the Kirk, or in any other Convention, without expresse warrant & direction from the General Assemblie, under the pain of Deprivation. This reasoning pleased not the new named Bishops, and such Commissioners as the King confided into: and therefore was lightly broken off, and the matter referred to farther advisement. This was ever the Policie of these Commissioners, to break off, when they could not attain to their intent. The Commissioners from Synods fearing, that the Parliament would choose, according to their order, the Lords of the Articles; & these choose Commissioners to treat upon the Union, purposed to protest in Parliament. But being assured again, that the King had promised to alter nothing in the Order & Discipline of our Kirk, providing the Ministers behaved themselves quietly at this time; & perceiving, that the treatie was like to be crossed both in *England & Scotland*, they contented themselves with their advice, which was presented to the Commissioners of the General Assembly, with a grave and sharpe admonition. They promised to follow it, & such as had place to put it in practice; which notwithstanding was not performed.

The advice of the Synod of *Fife*, presented to the Commissioners of the General Assemblie, convened in *Edinburgh* before the Parliament. *April. 14. 1604.*

For as much as by your missives directed to the Presbyteries, *Right reverend and worshipful Brethren*, we were warned to give-in our advice to you, before this proclaimed Parliament, anent matters to

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be proponed to the same, concerning the well of the Church; for discharging of that dutie we have set down, and sent to you in writ by our Commissioners, with all heartie salutations in Christ, these Articles following for our advice.

1. We thank God for the purpose of this Union of these Realmes together, as most lovable and good; in respect that already by the Profession of the Gospel, they have been united in God, these many years bypast, and now by a special blessing of that same Gospel of Peace and Union in *Christ Jesus*, they are come under a King, for graces and vertues incomparable: and therefore we earnestly wish the same by all good means and endeavours of all Estates to be prosecuted, namely by the Ecclesiastical, even till it be effectuated, for the establishment and maintenance of the Kingdom of *Jesus Christ*, which is the Kingdome of true peace and union, working sure safety and firm welfare to all *Kings and Kingdoms*, raigneing and standing with Christ, and in him.
2. Because the occasion of the Treatie anent this Union, so happily of Gods good and great providence fallen out, is since the last General Assemblie of the Kirk in this Realme, ye could therefore have no warrant, direction, or information to deal in particulars, concerning the same: yet we think ye may, and should do this in general, in name of the said Assemblie, that is, *first*, Crave the Acts, made in favours of the Kirk in Parliaments preceeding, to be ratified and confirmed of new in this present. *Next*, Solemnly protest, that nothing be done by way of Commission or otherwayes, at this time, whereby any innovation, alteration, hurt or prejudice may ensue, against the present right and possession of the Doctrine, Discipline and Government of the Kirk, and Kingdom of *Jesus Christ* within this Realme, established by the Word of God, confirmed by the Lawes of the Countrey, breifly comprehended and published in the *Kings Maj.* Confession of faith; wherunto all his *Highness* Subjects were moved, with their King and Sovereign Lord, solemnly to swear and subscribe, and which his *Maj.* going to his prosperous Promotion, most graciously vouchsafed, it should enjoy peaceably and unaltered hereafter: and in case there be any thing done in the contraire, as God forbid, to protest it be null, and of no force or effect in it self, in respect, that neither the General Assemblie was warned thereto, nor had directed any Commissioners thereanent.
3. That the old petition of the General Assemblie be renewed, and so much the more presently urged, as the danger is greater; *to wit*, that none Vote in name of the Kirk, and for the Estates thereof, in Parliament, who bear not office within the same, nor have any Commission from it so to do: and if they be admitted to sit, and Vote in that name, to protest it be not esteemed the Vote and judgement of the Kirk of *Scotland*.
4. Forasmuch as it is expressly provided, that these of the Ministers, who in name of the Kirk are appointed to Vote in Parliament, shall not presume at any time in Parliament, Council or Convention, to propone any thing in name of the Kirk, without expresse direction and warrant from the same; neither yet shall keep silence in opposing, if they shall hear or perceive any thing uttered to her hurt and prejudice, under the pain of Deprivation: therefore we think, that ye should charge the said Voters in Parliament, in name of Christ and his Kirk, so to do, under the pain of Deprivation, and farther, as Christ by his Kirk may inflict: and to re-

commend

commend to them the order and Discipline of the Kirk, to be well considered, studied, and had in memorie; that they may maintain, stand fast and defend the same to the uttermost, remembering the account they must give to the General Assembly of the Kirk, within this Realme; but namely to *Jesus Christ*, at that general, great and glorious Parliament of his last appearance, when he shall come to judge the quick and dead.

Last, we most earnestly beseech you, in the bowels of Christ, yea, attesting and adjuring you before God, and his elect Angels, as ye will make answer to that great Judge, to whom ye must give account of your Stewartshipe, that ye by these presents informe and certifie the Commissioners, who are to be chosen in this Parliament, to treat upon this Union for the part of the Kirk; and so by them, the King our Sovereign his most excellent *Maj.* that we beleve in our consciences, instructed, cleared, and assured by the Word of God, written in holy Scripture, that the essential grounds of the Discipline, and Government of the Church and Kingdom of *Jesus Christ*, established and in use within this Realme of *Scotland*, is not a thing indifferent, or alterable, but a substantial part of the Gospel, having the like warrant with any other point of our Faith and Religion: Which to renounce, and passe from, we will esteem as hard, as to renounce the manifest Truth of God, revealed to us in Scripture; yea harder then to suffer death: which expressly by these presents we protest and professe, choosing rather so to do now before hand, for the ease and relief of our Consciences, then too late hereafter, when as there may be, as God forbid, Constitutions and Lawes made in the contraire. In witness whereof, to stand before God and his Kirk, we have subscribed these Articles of our Advice & Protestation, by the hand of our Moderator, at our command, and in our name, at *Falkland*, the 8. of *April* 1604.

Mr James Melvine Moderator, in name
of the Synod.

Mr James Melvine, being assured at this time, that the King hated him worse then any Scottish man; because he crossed all his designs, and was a ringleader to others, answered to the informer, my resolution is this

*Nec Sperans aliquid, nec extimescens;
Exarmaveris impotentis iram.*

The Earle of *Montrose* Chancellour, was the Kings Commissioner at this Parliament. The Parliament was holden in *July* at *Perth*; because the Pest brake up in *Edinburgh*. The Commission for the treatie upon the Union, and the names of the Commissioners, are extant in Print: *Mr George Gladstones* Bishop of *Cathness*, *Mr John Spotswood* Bishop of *Glasgow*, *Mr David Lindsey* Bishop of *Ross*, were chosen to be of the number of the Commissioners. The Barones and Burgeses, with some Noblemen, namely *William* Earle of *Mortoun*, desired a clause to be insert in the Commission, for preserving the State of Religion in Doctrine, and

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ment.

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Discipline in the own freedom and sincerity. They craved the assistance of the Commissioners of the General Assemblie; but little care had they of the matter, being borne back by the new Bishops, and Agents of the Court. This was a blot of Treason against the cause, and bewrayed, that the overthrow of Discipline was intended, notwithstanding of any Promises, or Protestations made in the contraire: Yet the Earle of *Mortoun* insisted so earnestly, in open Parliament, that howbeit the clause was not insert in the Commission; yet in the first Act, made in favours of the Kirk, it was provided, that the present Estate of the Kirk of *Scotland* should no wayes be prejudged in Doctrine, nor Discipline, by the present Commission granted for the Union: but it is not extant among the printed Acts; & perhaps this clause is not insert, as it was agreed unto.

The Presbyterie of *St Andrews* directed Commissioners to keep the Assembly.

The General Assembly was appointed to be holden at *Aberdeen*, the last Tuesday of *July*. *Sir David Murray* Lord of *Scoone* Comptroller brought from Court, among other Articles, the continuation of the Assemblie, till the Union be conferred upon, and till new advertisement. The Presbyterie of *St Andrews*, being careful to keep the libertie of the General Assembly, the chief Bulwark of our Kirk at this time, specially because all other Estates were careful to maintrain their own rights and liberties, resolved to send Commissioners to keep the diet, appointed by the last General Assembly; because the warrant of keeping was greater, then the warrant of continuation: for that the Word of God, the Lawes of the Countrey, the Custome of the Kirk since the Reformation, Indiction by the last Assemblie, with consent of his *Maj.* made for them; and the holding of Assemblies might proceed, notwithstanding of the Union intended. So upon the 26. *July*, after calling on the name of God, the Presbyterie constituted and appointed their Brethren *Mrs James Melvine*, *William Areskeen* and *William Murray* their Commissioners to the General Assemblie, appointed to be holden at *Aberdeen* in the Moneth of *July* 1604. giving to them their full and expresse Commission to passe to *Aberdeen*, and there, and for the said Presbyterie and in their name, to Reason, Vote & Conclude in such things, as shall be handled in the said Assembly; and to do whatsoever other things belong to the well of the Kirk, promising to ratifie and approve whatsoever their said Commissioners shall do therein. In witness whereof, they commanded their Clerk *Mr Robert Rough* to subscribe the Commission.

The Assembly of *Aberdeen* fenced.

These three Commissioners, appointed by the Presbyterie of *St Andrews*, compeared personallie in *St Nicolas* Parish Kirk of the Burgh of *Aberdeen*, the last of *July* 1604. in presence of *Mrs Peter Bleckburne*, *James Ross*, *Archibald Bleckburne* Ministers at *Aberdeen*, *John Rough* Minister at *VVig*, *Mr Thomas Nicolson* Commissaire of *Aberdeen*, and *George Nicolson* Burges of the said Burgh, witnesses, and of the publick Notars following, *Mr Thomas Molleson* Clerk of the Town, *Walter Robertson*, *David Marr*, and presented their Commission, which was read in audience of the said Notars, and the said witnesses; and withall gave and presented in write the Protestation following, which was read in their audience, and subscribed with their hands in their presence, the tenor whereof followeth.

Forasmuch as, albeit the Kirk of *Scotland* ever since the Refor-

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mation of Religion, and light of the Gospel, rightly instructed and informed thereby, have thought it a most necessary dutie owen to *Christ* and his Kirk, to convene in their General Assemblies yearly, for keeping of the puritie of Doctrine, exercising of Discipline, and Governing of the whole Estate thereof, with uniform consent and agreement, like as they have been in continual custome, use and possession to keep the same inviolable, and a chief and principal part of the Office of the Ministrie, commanded by the Lord *Jesus Christ*: as also God hath moved the heart of the King our Sovereigne, with consent of his *Maj.* Estates in Parliament, by special Act and Law, to ratifie and approve the same; Granting libertie and freedome to the Ministers of the Kirk, to convene in their General Assemblies, once in the year at the least, and oftner *pro re nata*; and the Kings *Maj.* of his special care and affection to the Kirk of *Christ* within his *Highbneß* Realme, gave his own presence at diverse General Assemblies, as at the last, holden at *Halyrudhouse*, where certain grievances being given in, and among the rest, that the General Assemblies were not ordinarily kept. His *Maj.* with the said Assemblie, ordained that to be amended in time coming, appointing the Act of Parliament, made thereanent, to be observed, inserting the very words of the said Act of Parliament in the Ordinance of the Assemblie; and according thereto, at the ending of the said Assemblie, appointed the next General Assembly to be holden at *Aberdeen*, the last Tuesday of *July*, in this present year 1604. Neverthelesse that day now being come and instant, we found no appearance of keeping of the said appointed Assemblie, by the presence of the last Moderator, nor convention and meeting together of Brethren, directed Commissioners from Provinces and Presbyteries, to the great displeasure and grief of our hearts; namely in so needful a time, when Masses are broken forth in diverse parts; and some of the chief Burghes of the Realme, Kirks, & Congregations lye pitifully unplanted; a careless coldness in all Estates, namely of the Ministrie it self, of the Gospel and glorie of the Lord *Jesus*; and Atheism with all kinde of vice overflowing the whole face of the Land. Therefore we *Mrs James Melvine, William Murray* and *William Areskeen* Ministers, Commissioners appointed by the Presbytery of *St Andrews* to this present General Assemblie, having precisely kept this foresaid day, set for the said Assemblie; and attended in the Kirk of *Aberdeen* all the forenoon, without meeting of any Commissioners from other Presbyteries; since we could do no more, have thought it our necessary dutie before God, and his Angels, and you that are present, to take Documents, and make Protestation: Like as in the hands of you Notars publick, we take Acts, Instruments and Documents, that we abovenamed are here present, directed in Commission from our said Presbyterie of *St Andrews*, for keeping of the said appointed General Assemblie, on this day, and in this place; so that it desert not so farre as lyeth in us, but may hold and keep according to the Word of God, Constitutions and continual Custome of our Kirk, the Lawes of the Realme, and Appointment of the last General Assemblie, wherein the Kings *Maj.* was present: And we protest before God, as said is, that whatsoever skaith, hurt, dammage or interest the Kirk or Kingdom of *Jesus Christ* within this Realme, in the priviledges, liberties and freedoms, or other wayes in the general, or particular Estate thereof, shall happen to sustain, or incur by the overseeing, ne-

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gleaning and slipping of the said appointed Assembly, it be not imputed unto us, nor to our said Presbyterie of *St Andrews*. Protesting also expressly, that the same, if any be, may be amended and redressed by remed of the Word of God, Lawes of the Realme, Acts and Constitutions of our Kirk, and old libertie and freedom thereof; at such time and place, as God shall think expedient. Thus protesting, and procuring most instantly and solemnly for the well, priviledge and libertie of the said Kirk, and Kingdom of *Jesus Christ*, established within this Realme; moved and stirred up thereto for no other cause, as God the great judge shall judge us, but that we may do and discharge a most necessarie dutie, for the Glorie of *Christ*, safety of his Kirk, and the ease and relief of our Consciences, in that great day of his glorious Appearance, when he shall call us to give an account of our Ministrie and Dispensation.

Mr *James Melvine*, Mr *William Areskeen*, Mr *William Murray*.

They took documents and Instruments in the hands of the Connottars publick, which they witnessed by their manual subscriptions.

The whole Brethren of the Presbyterie of *St Andrews* subscribed the Confession of faith, upon the second of *August*, as the act following declareth.

At St Andrews the second of August 1604.

The which day, after calling on the name of God, the whole Brethren, being lawfully convened, the Confession of faith, authorized in the Kirk of *Scotland*, was publickly read in audience of all, together with the Act of Parliament holden at *Edinburgh Anno 1592*. for explanation of the present Discipline, generally Authorized in the said Confession of faith, which by the foresaid Act of Parliament is ratified and confirmed, namely in the Liberties of the General Assemblies once every year, Synods, Presbyteries, and Sessions of Particular Kirks; derogating from all Acts, made of before in prejudice of the same, and declaring the present Discipline of the Kirk of *Scotland*, and approved in the act foresaid, to be only Godly, Just and Lawful in all times coming, as is at more length contained in the Act of Parliament foresaid; which Act & Confession, being ripely considered & advised, was publickly subscribed, with uniform consent of the whole Brethren, to testifie their harmonie & heartie agreement in all things, both concerning Doctrine, and Discipline, promising solemnly to defend the same alwayes; according to their callings, and never to come in the contrair, according to the great oath set down in the foresaid Confession of faith. In witness whereof, first the Moderator subscribed, then Mr *George Gladstones* Minister at *St Andrews*, Mr *Robert Wilkie* Rector; and so every one, as they sate in their places, subscribed particularly with all the Brethrens hands.

The Synod of *Lothian* was holden in *Tranent* the 15. of *August*. Mr *John Spotswood* then Bishop of *Glasgow*, and Mr *James Law* afterward Bishop of *Glasgow*, being charged for their indirect dealing to overthrow the Discipline of the Kirk, purged themselves before the Synod, protesting they had no such intention, but only to recover the Kirk rents, wherein after they should submit themselves to the same Assemblie. The Brethren notwithstanding, being jealous of their proceedings, urged them to

subscribe

The Presbyterie of *St Andrews* subscribe the Confession of faith.

The Synod of *Lothian* subscribe the Confession faith.

subscribe the Confession of faith of new, with the rest of their Brethren; like as they subscribed the said Confession, printed at *Edinburgh* in *February* by *Henrie Charters*, in the year 1596.

The names of the subscribers were *Mr Edward Hepburne*, *Mr John Forrest*, *Mr Thomas Hepburne*, *Mr James Home*, *Mr James Young*, *Mr Robert Wallas*, *Mr Archibald Oswald*, *Mr James Carmichael*, *Mr Andrew Makghie*, *Mr Andrew Blackhal*, *Mr Walter Hay*, *Daniel Wallas*, *M. Patrick Carkettill*; *Mr John Adamson*, *Mr George Greir*, *Mr David Ogill*, *James Reid*, *Mr Adam Coult*, *Mr George Ramsey*, *Mr Patrick Turnet*, *Mr William Knox*, *Mr Archibald Simpson*, *Nathaniel Harlaw*, *Mr James Haistie*, *Mr William Penman*, *Lake Sonfie*, *Mr Walter Balcanquel*, *Mr Michael Cranstoun*, *Mr William Arbure*, *Mr Henrie Charters*, *Mr Charles Lumisdane*, *Mr Richard Thomsons*, *Mr Henrie Blyth*, *Mr James Thomsons*, *Mr John Murray*, *Mr Peter Hewat*, *Mr James Muirhead*, *Mr Richard Dickson*, *William Aird*, *Mr James Bennet*, *Mr John Spotswood*, *Mr James Law*, *Mr Alexander Monipennie*, *Mr Robert Cornwall*, *Mr William Pourie*, *Mr Archibald Douglas*, *Mr James Logan*, *Mr David Merne*, *Mr Archibald Row*, *Mr Garvin McKall*, *Mr Robert Levingstoun*, *John Ker* at *Lyne*.

Articles of peace, intercourse and commerce. were concluded, in the names of *King James* of great Britain, *Philip* the third King of Spaine, and *Albertus*, and *Isabella Clara Eugenia* Archdukes of Austria, Dukes of Burgundie &c. in a Treatie at London the Eighteen of August.

Peace with Spaine.

The well affected Brethren in the North, perceiving the Presbytery of *St Andrews* to have such a care of the Libertie of the General Assembly, and taking the matter to heart; the Commissioners from the Presbytery of *St Andrews* advised them, to direct Letters and Commissioners from their next Synod, which was to be holden at *Aberdeen* in August, to all the Synods of the Realme, to request them to direct some of their number to be present at the Synod, which was to be holden at *St Andrews*, where they might lay open their grieves, namely concerning the Earle of *Huntlie*, and crave their concurrence for a General Assemblie. This advice was followed, and a great number convened at *St Andrews* in September, specially out of the South, & the West. The Laird of *Laurestoun*, the Kings Commissioner for Kirk affairs, after the decease of *Sir Patrick Murray*, being informed, that they meant to keep a General Assemblie, had Letters in readines from the Council to discharge that meeting. But when he heard the occasion, opened up by the Brethren of *Aberdeen* Synod, and perceived their proceedings to be after an ordinarie and quiet manner, he approved all, and yeilded to a Convention to be holden at *Perth*. At this Synod the question was reasoned, whether the General Assemblie might be holden without craving, and obtaining the Kings licence. *Mr James Melvine* maintained, that the war rant of *Christ*, the onely King of his Kirk, is sufficient enough. Farther, that we had a Law for it, which the King himself in a General Assemblie at *Dundie*, acknowledged to be the most Authentick form of licence, that a King could give. They need not, said the King, doubt of it, that even as Sheriffes & Barones kept their Courts, upon their gifts & infeofments, so might they, meaning the Ministers, keep their Assemblies. The Gentlemen, that were present, applauded. But *Laurestoun*, granting that they

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might, said, it was better to have it with his *May.* good will and contentment, which, he doubted not, would be granted being sought in due manner: Otherwayes it would breed a stirre, and would be discharged by the Council. They should do well therefore to warne the rest of the Provinces to direct their Commissioners to convene at *Perth*, with the Commissioners of this Synod, and the Commissioners of the General Assemblie, in *October.* He promised to warne the Commissioners of the General Assemblie to that effect: and the whole Provinces joyned together with the Commissioners of the General Assembly, to make supplication for hastening the Assembly: that he should carrie it; For he was to go to Court, and doubted not to obtain it.

A convention of Ministers at Perth.

The diet, appointed at *Perth* in *October*, was frequently kept. The Kings Commissioner desired the Commissioners from Provinces to meet apart, and to advise upon some Articles and Petitions, to be sent with him to the King; for he was presently upon his journey: And he with the Commissioners of the General Assemblie would likewise advise apart. The Commissioners of the Synods went apart, regrated heavilie each to other, the decay of the Libertie of the Kirk, the Usurpation of some few Commissioners of the General Assemblie, taking upon them the whole Government of the Kirk, and many Inconveniences fallen forth thereby, and the want of a free General Assembly: How soon these things came to the knowledge of the Commissioners of the General Assemblie, they were not suffered to convene again apart. Many would have continued their meeting after that form apart, but the greatest part left them: Therefore lest they should seem singular, or Authors of Schisme, they sat down with the rest. Two grievances were insisted upon; specially one, that the Commissioners, last chosen by the General Assembly, or rather some few of their number, arrogated to themselves the whole Government of the Church, and power of the General Assemblie, doing, and undoing in the name thereof, as they pleased, and reduced the Kirk to an Oligarchie: notwithstanding that the time appointed for the next General Assembly being past, their Commission ceased, seeing it was given to endure but from one Assembly to another. The other, that the new named Bishops took upon them ambitiously, to Reason and Vote in Parliament, without any Commission from the Kirk, to the great shame of the Kirk in her estimation, and hurt in her patrimonie. They answered, their Commission was to continue till the next Assemblie: that they were wearie of their Office: but the King will acknowledge no other to deal with: and that they will finde, if they attempted any thing without them. To the next, that if the Bishops had done any thing contrair to the Cautions and Ordinances of the General Assemblie, that they shall finde the Commissioners as severe censurers, as any other. *Mr Patrick Galloway*, Moderator of the meeting, spake very largely, and after him every one of the Bishops and Commissioners there present, striving who might be most zealous against Bishops breaking the Cautions. *Mr George Grahame*, who had entered in the Bishoprick of *Dumblane*, not acknowledging the Kirk, said, I would he were hanged above all thieves, that presseth not to see these Cautions kept, to keep out of the Kirk corruptions, and the pride and tyrannie of

Bishops.

Bishops. It was replied, that the want of an Assembly came of 1604. them, and it was supposed the Assemblie should hold at the time appointed, when the Commission was given to them. That there was never a jot of the Cautions kept, either in the entrie, or behaviour of Bishops. They deserted their Flocks, posted to Court, and returned Lord Bishops, Mr *John Spotswood*, Mr *Alexander Forbes* and others. The repliers were desired to reserve their grieves to the General Assembly, whereat if they got no concurrence of the Commissioners of the General Assemblie, as they had there professed and promised, they should never be esteemed as Brethren againe. It was answered, that all grievances were remitted to a General Assembly; and in the meantime, such as feared controlement, and had credit at Court, procured continuation, and driving of time, till custome had corroborated corruption, and moyen was made even among the Ministrie, for their advancement and standing. Betwixt them and Christ be it, when he shall call them to an account. In end, four petitions were agreed upon, to be directed to the King, by his *Highness* Commissioner, who promised fidelitie in that behalf. 1. That a General Assemblie might be kept without his *Maj.* offence, according to the Act of Parliament, and Custome of our Kirk. 2. That order may be taken with Papists, and contemners of the Kirk-Discipline and Censures. 3. That the Godly and faithful Brethren in *England*, persecuted by the Bishops, might finde favour with his *Maj.* and be suffered to enjoy their offices, and livings. (The Court Clawbacks opposed profanely and ridiculousslie to this point, till they were dashed and put to silence.) 4. Anent the Plar, and help of Brethren, who had been hurt at the last modification.

The Commissioners for the Union of the two Realms agreed upon a form to please the King; but it was not solid: and therefore little effect followed thereupon.

Mr *John Spotswood* carried the Synod of *Lothians* Letter to Court, wherein the Ministrie of that Synod supplicated for a General Assemblie: but it was not granted. Returning from Court, he rideth out of *Haddington*, when the people were repairing to the Kirk to hear Sermon upon the Lords day. And it was alwayes the custome of this profane Bishop, to crosse the ferries, or to ride upon the Lords day, in time of Sermon.

Profane
Spots-
wood.

Mr *George Gladstones*, within few dayes after the Synod of *Fife*, went to Court, and made a misreport of the proceedings at *Aberdeen*, and at that Synod. Whereupon the King sent a direction to the Council, to charge Mr *Andrew Melvine* and *James Melvine*, and some others, that came to *St Andrews* from other Synods, to enter in ward. But it was not thought expedient to be put in execution at that time.

Master *George Gladstones*, after he had changed four Kirks, and had sworne, that he should never be Bishop of *St Andrews*; because the Bishops of that Sea made a miserable end, and were much hated. Yet he returneth from Court, in the beginning of *Januar*, with presentation to that Bishoprick. Upon the tenth of *Januar*, he declared, in presence of the Presbyterie of *St Andrews*, that as he departed a Brother, so he returned, & would usurp no Superioritie over them; but content himself with a simple Vote, as the rest, and promised to behave himself as humble, yea more humble, then ever before. Whereas he departed not advertising them, & desired they should not be offended; because the com-

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Mr George
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moditie of his journey so required, that he could not advertise them. His declaration and excuse were insert in the books of the Presbyterie. Yet when some Gentlemen his favoures, and others who had hope of advancement by him, asked how he could bear with the Presbyterie; he answered, *hold your tongue, we shall steal them off their feet.*

The Earle of *Montrose* Chancellour was urged by the King, to dimit the Office of the Chancellarie, to *Alexander Setoun* President in the Session. The King for recompense constitute *Montrose* his Grand-Commissioner, when weightie and extraordinare occasions required. *Mr James Elphinstoun* Secretar was constitute President in the Session, and retained notwithstanding the Office of the Secretarie.

In the moneth of *Februar*, *Mr Charles Ferme* and *Mr John Forbes* were cited before the Council, and compeared to justifie their processe against the Earle of *Huntlie*. Upon promise of the Earles offers to be made to the Synod of *Aberdeen*, the matter was deferred. In the Moneth of *March* following, *Mr John Forbes* went with Commission from his Synod, by advice of the Council, and was sent back again with Letters of credite against the Earle of *Huntlie*, and all other Papists; and with certification of the Kings constancie in Religion: And as for the order of our Kirk, that he was not minded to alter any thing therein: And commanded *Mr John* to certifie the Ministrie, that he was of this minde.

Mr James Melvine sent this Letter following to the Synod of *Fife*, holden in *Bruntland* the last of *April*.

Gal. 5. 1. Stand fast in the libertie, wherewith Christ hath made us free, and be not intangled again with the yoke of bondage.

M. I. Mel-
vines Let-
ter to the
Synod of
Fyfe.

Brethren, albeit my excuse be well enough known; yet I will keep order, excusing my absence by writ, which I could not send emptie, but to supplie my absence, so far as is possible. These are the points I think upon, not doubting but ye are about the same in your consideration, even farther then I can be. *First*, I would have publick thanksgiving to God in this Asseble, and all our Congregations, by direction from the same, that in this treatie of Union and otherwayes, the King our Sovereign hath declared, that it is his minde, not to alter the Order and Government of our Kirk, left established by his *Maj.* both in his *Highness* Parliaments, and in our General Assemblies: Likeas of late his *Maj.* hath willed our brother *Mr John Forbes*, Minister at *Aufurd*, to shew us, that it is his *Highness* will, that we keep the Acts of Parliament, and Constitutions of the Assemblies, where his *Maj.* was present. For which let us be instant in prayer with God for his *Maj.* preservation, both in publick, and privat, with most loving and thankful hearts. *Next*, we have to take heed, lest the polirick Bishops break the Cannels of our Cautions, and incroach upon the freedome of our Ministrie: For such as are accustomed with Lordships, Honour and Ruling in Policie, will think themselves contemned, if they be not respected among the Brethren also. And unlesse hand be holden to it in common, the good Brethren, that keep the lawful and humble brotherly form with them, will be remembered, and finde it in their dish at Court, Plat &c. *Thirdly*, I would we were warned and stirred up to know better and better, the warrants of our Government & Discipline out of the Word of God, to be armed against

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the day of our trial, under which our neighbours in *England* are, and to be careful to practise all the parts of our duties, so long as we have occasion in our Assemblies, Presbyteries and Congregations, and concerning our own families, and persons in particular. And I beseech you (*dear Brethren*) if it be leesome to me without offence, and for amendment, to use the words of one of the Ancients, used by our *Calvine* against the Papistical Hierarchie, *flens dico, & gemens denuncio; quia cum sacerdotalis ordo intus cecidit, foris diu stare non potest. Quin potius impleri in illis oportuit, quod de talibus ait Malachias, vos recessistis de via, & offendere fecistis in lege plurimos. Itaque irritum fecistis pactum Levi, dicit Dominus. Propterea ecce ego dedi vos contemptibiles omni populo.* Fourthly, I would wish you to take to heart the negligent slipping of the last day, appointed for the General Assemblie, which should have been holden at *Aberdeen*; for which we had all kinde of warrants, Gods Word, our own Constitutions, the Lawes of the Realme, the Kings Consent, and the Appointment of the last Assemblie; and nothing in the contraire, but I know not what, a privat alledged Article; that this next be not in like manner slipped, which is appointed by the Commissioners bill to hold the first *Tuesday* of *July* next to come; and so by beastly negligence to lose all our Kirk Government, and become a subject of Gods wrath, and a shame to the World. Fifthly, forget not the Estate of our persecuted Brethren in *England*, but recommend them to God in Prayer, and discharge whatsoever dutie of mercie and charitie is required, according to power: because they have the cause of the sinceritie of the Gospel, and libertie of *Christs* Kingdom, common with us, and we know not when we will be put at our selves. As we would wish them to have comfort, let us minister it now, when there is need. Sixthly, take order, that the collection for *Geneva* be made in the other two Presbyteries, as in *St Andrews* and *Couper*; and how it may be employed conveniently for the use appointed. Seventhly & lastly, be ye encouraged by the blessing of God upon your travels, for the Ministrie of *Couper* and *Dysert*. Go forward, and leave not off, till *Kinghorne* & *Kirkaldie* be helped also. Now the God of all Spirits be with your Spirits, for the glorie of his Christ, by the working of his Spirit.

Mention being made at this Synod of this General Assemblie, *Laure-soun* the Kings Commissioner, being now returned from Court, and there present, opposed with all his might, and shewed, that he had an expresse Article in his Commission not to suffer it. It was desired, that the time and place only might be appointed, how short or long soever, that the Kirk might be put out of suspicion and jealousie of losing for ever the libertie to indict, and hold General Assemblies: but it could not be granted.

In the Assemblie, holden at *Halyrudhouse* in *November* 1602. upon a grief given in, that the General Assembly was not orderly kepted, notwithstanding of the Acts of Parliament, and of the General Assemblie, & necessities of the time; but that the diets thereof were altered, without the knowledge of the Presbyteries and Synods; it was enacted, for remedie, that the General Assemblie should be appointed and kepted, according to the Act of Parliament, holden at *Edinburgh* the 5. of *June* 1592. With the Kings consent it was ordained, that the next Assemblie should be holden at *Aberdeen* the last *Tuesday* of *July* 1604. vvhich day approaching, it was prorogat at the Kings desire, by a Letter sent

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to the Presbyteries, subscribed by the Kings Commissioner the Laird of *Laurestoun*, and *Mr Patrick Galloway* Moderator of the last Assembly, & continued to the first Tuesday of *July 1605.* at the farthest, or to some time before that day, if they should be advertised. The Presbyteries, considering the many urgent necessities of a General Assemblie, for keeping of the puritie of Doctrine and Discipline, preservation of Unitie, repressing of Schismes, Atheisme, Licentiousness & open Scandals, receiving of Appellations, and suppressing the insolencie of Papists; all which do grow exceedingly through delay of the diet, and was like to increase farther, to the renting of the Kirk, overthrow of Discipline, overflowing of all kinde of vice, as experience taught, these years bypast; diverse supplications were for holding an Assembly. First, the Synod of *Fife* wrote earnestly, and dealt with *Mr John Hall*, last Moderator of the General Assemblie before *Mr Patrick Galloway*, who was then at Court, to write to the King, and desire, that we might have a General Assembly. He promised so to do; reported he had so done, but could not obtain it. The Presbyterie of *Edinburgh* wrote to *Mr Patrick Galloway*, desiring him to intreat the King for the same. He, after diverse delaying answers, at last said, he should come to that effect: but after his home coming, no effect followed. The Brethren in the North came from the Synod of *Aberdeen* to the Synod of *Fife*, and with them besought the Kings Commissioner for hastning the Assemblie. He desired Commissioners from the whole Provinces to joyn together, and make supplication by him, and the Commissioners of the General Assembly; assuring them it should be obtained. The Commissioners from many Provinces convened at *St Johnstoun*, in *October* last, with him, and the Commissioners of the General Assembly; and all agreeing in one, did make supplication for the General Assembly to his Maj. by his Commissioner, which was promised, and expected; but in vain. The Synod of *Lothian*, holden at *Tranent* in *August* before, wrote a Letter to the King to that effect, both penned, and carried by the Bishop of *Glasgow*; but no answer was obtained. In the Synod of *Fife* holden at *Brunstiland* in *April* and *May*, when mention was made of a General Assembly, the King's Commissioner withstood it with might and maine. Being desired, that the time and place might be appointed, how long or short soever, that the Kirk might be put out of suspicion of losing the possession of that libertie to hold Assemblies ordinarily, according to the Act of Parliament; it was not granted. In the moneth of *June*, another Letter directed from the Commissioners of the General Assembly, subscribed by the same persons that subscribed the former Letter of continuation, willed the Presbyteries not to keep the *fifth* day of *July* at *Aberdeen*; but did not define any other definite time or place. And they alledged, for their warrant, an Article sent from the King. The Presbyteries and Synods fearing to lose the libertie of holding the Assemblies, and that the Indiction should be only in the Kings power; for none other, except the General Assembly, had power to appoint time and place; and the day appointed by the last General Assembly, was like to desert: because no new day was appointed in the prorogation, a number of them resolve to keep the day, appointed in the former Letter of continuation, that is, the *first Tuesday* of *July 1605.* for they perceived, notwithstanding of many Requests, they could not obtain the preventing of the diet. The King likewise plainly professed, that he liked not our Assemblies: because

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we acknowledge not the power of them to flow from him. The Bishops abhorre them, because they may call them to account for violating the Catechisms, whereof they are guiltie. Some other Commissioners of the General Assemblie feared likewise censure, and to be removed from the Government, which they had abused. On the other side, the Ministrie considered, how necessarie it was to stick to this libertie: for the General Assemblies have been the chief bulwarks of our Kirk. That the Authority of Ecclesiastical meetings, and power to appoint times and places to that effect, do not flow from humane permission and appointment; as though it were not the immediat Ordinance of God, but a naked and humane ordinance; or as if Christ had given no priviledge, nor power to his Kirk, in these things; and that it is clearly affirmed in the Book of Policie *cap. 7. art. 3. and 4.* That all the Ecclesiastical Assemblies have power to convene together, to treat of things concerning the Kirk, to appoint times and places to that effect, and one Assembly to appoint the diet, and place for another. And farther, that the said libertie was ratified by the Lawes of the Countrey, specially by the Act of Parliament, made in *June 1592.* and practised so many years. They thought it lawful and needful to keep the day appointed, notwithstanding of a privat Article or Letter, alledged to be directed from the King, without any definite prorogation to a certain day and place, seeing his *Maj.* had signified his will more authentickly in his Lawes, and at the last Assemblie, where all power of prorogating, or altering time or place of the Assemblie, was taken from the Commissioners, and his *Maj.* consented to the holding of the Assembly in *Aberdeen* in *July 1604.*

The Presbyteries and Synods, being moved by these considerations, directed their Commissioners to keep the Assembly, appointed to be holden at *Aberdeen* in *July*: some whereof had not received the Letter of stay, before the day of the Assembly; others received it, after they were directed by their Presbyteries: Others so short a time before, that no other deliberation could be taken, but to keep the diet. Of which Commissioners, some kept the *first Tuesday* of *July*, which was the second day, according to the first Letter of prorogation, sent by the Commissioners from *Perth* the *fourth* of *July 1604.* Others came not to *Aberdeen* till *Thursday* and *Friday* the *4. and 5. dayes* of *July*: because the last Letter directed from *Edinburgh* in *June* last, which was subscribed by the same persons which subscribed the former, pointed out the *fifth* day, as the day designed before, and which now they could not have kept. This Policie was used to cause the Presbyteries mistake the day, in pointing out the *fifth* day for the *second*, and was the occasion that the most part of the Presbyteries did direct the Commissioners to keep the *fifth* day; and so made the Assemblie upon the second day, designed by the same men in their first Letter, to be so rare. 1. Mr Robert Durie Minister at *Anstruther*, 2. Mr Andrew Duncane Minister at *Carail*, 3. Mr John Sharpe Minister at *Kilmanie*, 4. Mr Alexander Strauchan Minister at *Creich*, 5. Mr John Forbes Minister at *Aufurd*, 6. Mr William Forbes Minister at *Kinbethock*, 7. Mr James Iruing Minister at *Tuich*, 8. Mr Robert Youngson Minister at *Clatt*, 9. Mr Robert Reid Minister at *Banchrie Trinitie*, 10. Mr Charles Ferme Minister at *Frazerburgh*, 11. Mr William Davidson Minister at *Rathen*, 12. Mr David Robertson Minister at *Rouglay*, 13. Mr John Monro Minister at *Tane*, 14. Mr Archibald Bleckburne Minister

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at *Aberdeen*, 15. *Mr James Ross* Minister there, 16 *Mr Alexander Scrogie*, 17 *Mr James Mill*, 18 *Mr David Raith*, & 19 *John Rough* Minister at *Wig*, convened the second day of *July* in the Kirk of *Aberdeen*, with the Laird of *Laurestoun* the Kings Commissioner. By mutual consent, they continue their down - sitting till two afternoon: Because they supposed that sundrie of the Brethren were stayed by the injurie of the weather, and missed the Moderator of the last Assemblie *Mr Patrick Galoway*. At two afternoon they conven in the Session house within the Kirk of *Aberdeen*, and immediatly after calling on the name of God, by *Mr David Raith* last Moderator of the Provincial Assemblie of *Aberdeen*, they sent for their ordinarie Clerk *Mr Thomas Nicolson*, who came to them. In the mean time the Laird of *Laurestoun* entered, and sat down among them, & presented the missive Letter, directed from the Lords of Secret Council to the Ministrie, conveneing in their Assembly at *Aberdeen*, and desired the same to be read and answered. It was answered, that the missive being directed to all, it could not be orderly received, read nor answered, while a Moderator was lawfully chosen to be the mouth of the whole number; in respect it behoved the servants of Christ to do all things in comeliness and order. Whereupon the Laird of *Laurestoun* named *Mr John Forbes* to be mouth for the rest: Yet, seeing that they would proceed to an orderly election, he removed himself, without any urging of the Assemblie, only of his own accord; and that, as he himself declared, that he might eschew to be quarellled for seeming to approve the said election by his presence, in case it should happen that he and they could not agree. After his removing, they desired *Mr Thomas Nicolson* ordinarie Clerk, to remaine with them to do his Office. He refused, till he should see that the issue of their proceedings did content the Laird of *Laurestoun*, & so likewise removed himself. Thereafter *Mrs John Monro*, *John Forbes* & *Robert Durie*, who were nominated upon the leet, being to remove, the Brethren, willing to acquiesce in the Laird of *Laurestoun*'s nomination, did stay them; & so with common consent *Mr John Forbes* was chosen Moderator. And after calling on the name of God by him, they choosed *Mr John Sharp* Clerk for that time. After which election, the missive was read, and by the Moderator taken up in two points, to wit, the dissolving of their present Assemblie, & that no new diet be appointed till his Maj. be acquainted therewith. These two points were orderly proponed to the Assemblie, and their judgement craved thereanent. After deliberation it was concluded, that they would leave the treating of all matters to a new Assembly; and so satisfie the *First* point. As for the *Second*, it was thought needful to appoint a new diet for the reasons set down at length before. But it was thought meet, before the appointing of it, to acquaint the Laird of *Laurestoun*, and to desire him to appoint a certain day, long or short, to which they were resolved to condescend. After he had returned at their request, the Moderator declared to him the judgement of the Brethren, anent the heeds of the missive. As to the *First*, he found himself well satisfied with their Conclusion. But as to the *Second*, he refused to designe any time, long or short, howbeit the Assembly assured him, that upon the reverent respect they had to satisfie his Maj. desire, they would be as readie now, as before, to continue to a certain day, if his Maj. desired them. After long reasoning, he was brought to consider the expedience and necessitie of that point. But he would not condescend to

it: Because, as he affirmed, he had a warrant to that effect. The Assembly declared to him, that it behoved them to appoint a day for the same reasons, which I have already alledged. Whereupon he againe removed himself willingly, notwithstanding he was desired by some of the Brethren to remaine, to hear and see what should be concluded hereafter. And this he did for the same cause, for which he removed at the first, as he himself declared. In his absence, first and last, the door was alwayes readie to him, or any that desired to enter. After his removal they concluded as followes.

Which Letter, and desire therein-contained, with the suit and desire of his *Maj.* Commissioner, agreeing thereto, being ripely considered by the said Assembly, and having weighed the weightiness of the affairs, necessarie to be treated, and rareness of their own number, diverse of the Commissioners being stayed by tempest of weather, and willing then, as at all times, to witness their willingness to satisfie his *Maj.* and Lords of Secret Council, in all their reasonable desires, so far forth as might stand with the Word of God, & testimonie of a good Conscience, thought meet and expedient to continue the treating of the affaires, pertaining to the said Assembly, to the *last tuesday* of *September* following, and to dissolve for the present, according to the suit and desire of the Letter foresaid; and ordains intimation and warning to be made to all the Presbyteries within the Land, to choose Commissioners, and to send them authorized with power to the said Assembly, to be holden at *Aberdeen* the *last tuesday* of *September* next to come, *Anno 1605.*

This being done, and they ready to dissolve without any farther, the Laird of *Laurestoun* returned again, and made Protestation, that from the beginning he did not acknowledge the present meeting for a lawful Assembly, in respect of the absence of the last Moderator, and Clerk ordinarie. The Moderator, in name of the Brethren, answered, it behoved to be lawful, notwithstanding of these exceptions, and that in respect of the warrant of Gods Word, the Lawes of the Countrie, Constitutions, continual Custome and Practice of the Kirk, and particular Warrant of that day & place, subscribed both by himself, & by *Mr Patrick Galloway* Moderator of the last General Assembly, and *Richard Thomsons* as Clerk to the Commissioners thereof. After the Moderator had thus protested, the Laird of *Laurestoun* caused *George Wishart* messenger to charge them with Letters of horning, to suffer their present Assembly to desert, and delivered a subscribed copie of the charge to the Moderator, in name of the rest. But they had already concluded to dissolve, upon the desire of the Lords of Secret Council their letter. The Charge was read & considered, and then the Moderator, at command of the Brethren, took documents & note, in the hands of the said *John Wishart* being a notar publick, that they were ready instantly to obey the tenor of the said Charge. The said *John* refusing the benefite of his Office in that part, the Moderator with the rest of the Brethren went immediatly to the common Clerk's Chamber, and their took documents, in the hands of *Mr Thomas Molleson* common Clerk, & *Walter Robertson* Connotars publick. Upon Friday after came a number of Commissioners from Presbyteries of diverse Provinces, viz. from *Kyle*, *Carrick* and *Cunninghame*, *Merce*, *Lothian*, *Strathern*, to wit, *Mr John Welsh*, *Mr Nathan Engles*, *Mr James Greg*, *Mr John Young*, *Mr Thomas Abernethie*, *Mr Archibald Simpson*, *Nathaniel Harlaw*, *Mr Abraham Henrison* and *John Ross*. They

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came not the first day, partly being hindered by spaits of waters, partly deceived by the Commissioners last Letters sent to the Presbyteries, finding the Assemblie to be dissolved before their coming, and having received a subscribed copie of the proceedings thereof, they went together to the place, where the Assemblie was holden, and for the discharge of their Commission took publick documents, that they were come to keep the said Assemblie, and finding the same dissolved, they did ratifie, allow and approve the proceedings thereof in their own names, and in the names of the Presbyteries that sent them.

Laurestoun the Kings Commissioner reported to the Council, that he had given the charge by vertue of the Kings Letters, upon *Munday* the first of *July*, by open Proclamation at the Market Crosse of *Aberdeen*. But he could alledge no witnesses, when he was put to a proof after, but two of his own servants and companie; no living soul, either of the indwellers, or others for the time present in the Brugh, could be alledged as witnesses; howbeit the Ministers that conveyened were able to prove, that diverse honest and famous persons were continually in open market place and thereabout, from the entrie of *Laurestoun* within the Town, till about eight hours at night, who could not have been ignorant, if such a charge had been given publicly, as he alledged: yea it was credibly reported, that *Laurestoun* never intended the indorsing of that charge, alledged to be given in, till coming South to the Council, when he was at *Brechin*. *Mr Andrew Lambe* advised him to indorse that day, which preceeded the Assemblie.

Mr John Forbes being in *Edinburgh* upon the 24. of *July*, of purpose to satisfie the Lords of Council, anent the alledged disobedience to the Kings Charge, was sent for by a Macer, to come to the Council. A number of the Council conveyened timously in the morning, betwixt six and seven hours, six Lords with seven of the late Bishops and Commissioners of the General Assemblie, and was charged to enter ward in the Castle of *Edinburgh*; because he would not condemne the Assembly, holden at *Aberdeen*, by his privat judgement; howbeit he submitted himself, and proceedings thereat, to a General Assemblie. *Mr John Welsh*, being also in *Edinburgh*, was charged by a messenger to appear before the Council the next day following. Who appeared, and refusing to give his Oath, (as he took it,) *super inquirendis*, albeit he offered it, upon the knowledge of the particular interrogatures, was likewise warded in the Tolbooth till eleven houres; at which time both he and *Mr John Forbes* were transported to *Blackness*. *Mrs Patrick Galloway*, *John Hall* and *James Nicolson* were present with the Court Counsellors, and consented to their vvarding. They conveyened timously in the morning, to eschevv the opposition of Noblemen, vvho vvould have been present at the ordinarie hour in the Council.

Upon the 25. of *July*, it vv as published by Proclamation at the Crosse, that a fevv Ministers had of late, in contempt of the King, conveyened themselves at *Aberdeen*, and there holden an Assemblie, and appointed a nev v Assemblie to be holden, the first *Tuesday* of *September* next to come, vvithout any vvarrant or Commission to that effect. Charge vv as given to the Provost and Bailiffs of *Aberdeen*, and of all other Burghes,

to

to suffer no Ministers to come within their bounds for that effect, the said day, nor eight dayes before, nor after; and that Noblemen, Barons, Gentlemen, Presbyteries, Sessions, Magistrats and inhabitants of Townes and Villages, direct no Commissioners, nor repair to it, under the pain of Convocation of the Kings Lieges.

Within two dayes after that the Brethren were imprisoned, the pest breaketh up, and spreadeth in *Edinburgh*, *Leith*, *St Andrews*, and other parts. The Chancellours eldest sonne, and his Brothers daughter, a young damosel, died of the plague.

Upon the 2. of *August*, *Mr Robert Durie*, *Mr Andrew Duncan*, *Mr Alexander Strauchan*, *Mr John Sharpe* being summoned, appeared before the Council, and with them *Mr John Welsh*, who was brought from *Blackness*, upon his offer to give his oath upon the points of his summons: And were all committed to prison in *Blackness*; because they would not condemne the Assemblie at *Aberdeen*, by their privat judgements.

Upon the eight of *August* was published a Charge, inhibiting Synods, Presbyteries, Sessions of Kirks, and Ministers, that none of them presume privatly or publickly in their Sessions or meetings, in their Conference, Sermons, or any other way to Authorize, Approve, Justifie, or Allow the Assembly holden at *Aberdeen*, nor to make any act thereupon, or do any other thing in privat or publick, which may seem to countenance the said unlawful Assembly, under the pain to be reputed, and pursued as guiltie: And siclike that Noblemen, Barones and Gentlemen, Magistrats and other Lieges, that shall happen to be present, and hear any Ministers, in publick or privat Conference, or speeches in their Sermons, to approve the said Assemblie, rail, or utter any speeches against the Kings Maj. Commandments, or proceedings of his Council, for punishing and suppressing of so hainous enormities, that they make report to the Council, to the effect the same may be condignely punished. In the narrative, are laid down these grounds for the Charge. That the King by a special Article, signeted with his own hand, and sent home with the Laird of *Laurestoun* his Commissioner, signified his will and pleasure, that for many causes he could not be resolved anent the time of the General Assembly, before the approaching Parliament; & that by vertue of the said warrant, the Commissioners of the General Assembly acquainted the Presbyteries with his Commandment in that matter, and willed them to forbear all conveening for holding of the said Assembly. That the whole Commissioners of the General Assembly, having assembled themselves, and after due consideration of their foolish proceeding, found the same to be no lawful Assembly: Yet the said Ministers, in further disdain & contempt of Him, his Council and Commissioners, have continued ever sensible, busying themselves in soliciting and procuring the approbation of the whole Presbyteries, minding thereby to make their privat and factious proceedings to be a common cause of the Kirk, and by soliciting such unlawful approbation of the Presbyteries to pervert the whole order of the General Assemblies.

After the Kings departure out of the Countrey, *Mr Robert Bruce* had rest for a year, but then was threatned of new again, for the matter of *Gourie*. He was summoned to compear at *Edinburgh* the 27. of *Februar*, before the Commissioners of the General Assemblie, to see & hear himself removed from his function in *Edinburgh*. They had before, in his absence,

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A Charge
inhibiting
the appro-
bation of
the Assem-
bly at A-
berdeen.

*Mr Robert
Bruce*
warded in
Innerness.

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decerned his place to be vacant; but now they intimat the sentence. *Lawrestoun* had Commission from the King, to see it done. He appealed. They inhibited him to preach, but he obeyed not. In the moneth of *July* Chancellour *Setoun* sent for him, advertised him, that he had gotten direction from the King to discharge him to teach; yet he said, he would not use his Authoritie, but would request him to desist for nine or ten dayes, till he received an answer from Court. *Mr Robert* condescended, thinking the matter was of no great importance, the time was so short. Yet that night his bodie was cast in a fever with the terrour of his Conscience, and he promised never to obey their Commandment any more. Upon the 18. of *August*, he was charged to enter in ward in *Innernefs* within ten dayes after, under the pain of horning. The alledged causes were his sinistrous apprehending of distrust, and opinion of the Kings sinceritie, in the treason of *Gourie*: his avouching and uttering of distrust in publick and privat meetings, drawing the simple to his opinion: that no proceffe of time can frame his minde to the Truth: that he intertaineth a frequent resort of the Ministrie and people, and in all their meetings, meddles with the affairs of the King and Estate; censureth other Ministers, fostering thereby factions and divisions in the Kirk, privat grudges and discontent against the present Government. But the chief end was, that his confining in the North, might be a terrour to other Ministers, and he might be drawn out of the way, when one of the chief Liberties of our Kirk was in question, namely, the free holding of the General Assemblies; which was a great hinderance to the corrupt course of aspiring Ministers. Upon the 27. of *August* he entred in *Innernefs*, and took instruments of his entrie, where he remained four years, teachd every Sabbath beforenoon, and every wednesday; and exercised at reading of the prayers every other night.

The Abbot
of Newabbay
ward-
ed.

About the end of *August*, *Mr Gilbert Broun*, Abbot of *Newabbay*, was apprehended about *Newabbay* by *William Lord Cranstoun*, Captain of the guard appointed for the borders, not without great danger, the Countrey people rising to rescue him out of his hands. The people interpreted this to have been done, that they should not apprehend any intention of alteration of Religion; notwithstanding that Ministers were troubled. He was sent to *Blacknefs*, and after two or three dayes was transported to the Castle of *Edinburgh*, where he was intertained upon the Kings expenses, till his departure out of the Countrey. So this trafficking and seducing Papist obtained more favour, then the Ministers imprisoned.

The pro-
ceedings of
the Synod
of Fife.

Because the General Assemblie was appointed to be holden in *September*, by the Brethren who met at *Aberdeen* Assembly, the Synod of *Fife* appointed to convene in *Dumfermline* the Second of *September*: But they were not suffered to enter in the Town. Chancellour *Setoun*, being then in *Dumfermline*, gave Commandment to the Laird of *Pitfirren* Provost of the Town to that effect. Whereupon they went to *Innerkethine*. First, they consider what necessitie there is, to keep the possession of the General Assemblies safe and free; & that the day, appointed by the Brethren convened last at *Aberdeen*, to wit, the last tuesday of *September* instant, should be kepted so much the rather; because the Presbyteries had allowed their diligence. Upon the other side, they considered, that the said Assemblie was condemned by sundrie Proclamations, and the Assembly, appointed by them, discharged; after calling

on the name of God, and reasoning, they resolved, that it was meet to prorogat the day, appointed by the Brethren convened at *Aberdeen*, to the moneth of *May* next to come; seing before the *last Tuesday* of this instant moneth of *September*, neither can the King be rightly informed, intreated, and his answer returned; nor yet the advice of the Presbyteries of other Provinces be had. That a Supplication should be penned in the mean time, and sent with some Brethren from the Synod to his *Maj.* and their Commissioners, to be sent to the Provinces next adjacent, to procure their concurrence and consent, as well to the said Supplication, as to the Continuation of the day. The supplication was not sent; partly because there was small hope, that it would be admitted: for the King would receive no information, in matters of the Kirk, but from the Commissioners of the General Assembly: partly because they distrusted to procure any good, but rather hurt to the imprisoned, and to others. They concluded with universal consent a Fast to be kepted. 1. For the Pest. 2. For unseasonable weather in the time of Harveft. 3. For the distraction, which had entred in the Ministry. 4. For the restraint of the General Assembly, so needful at this time, when Papistrie and Atheism were growing. 5. For the imprisonment of the Ministers, and restraining of them from their Flocks, when Gods Judgement had broken forth. 6. For not acknowledging the day of their visitation. Great weakness appeared among many at this Synod. So averse were they, five or six excepted, from keeping the day appointed for the Assembly, that hardly could they be brought to this other appointment. *Mr James Melvine* compared them to men, that once fleeing, were solicitous where to hide themselves.

The proceedings of the Synod of *Fife* coming to the knowledge of the Ministers and Professors in other Provinces, and the zealous exercises of the imprisoned Brethren, the people were much moved; so that the Council thought it needful to direct Letters to every Presbyterie, wherein they declared their good disposition to put the Lawes in execution against Papists, and all insolent contemnners of Ministers; howbeit they were to take order with a small number, which convened factiously and seditiously at *Aberdeen*. Whereupon *Mr James Melvine* made a large Apologie for the imprisoned Brethren, which I omit; because the imprisoned made use of it, not only in their Apologie, which they wrote to the King, in the beginning of *September*, and sent to *Mr John Hall*, no good friend to them, when he went up to Court; but also in the reasons or defence of their Declinature, where we shall have the substance of his Apologie.

Upon the 3 of *October*, the Council sent a Letter to the Presbyterie of *St Andrews*, declaring, that they were directed by the King to signifie to all the Presbyteries, that howbeit a little handful of discontented Spirits, had done what in them lay to incense him against the vvhole Kirk; yet great vvas his fatherly love to have the sinceritie of Religion established, for Him and his posteritie, to have the Preachers regarded in their calling, to have the Enemies rooted out, and trode under foot. They require the Presbyterie, that if any Subject shall presume to offer any injurie or wrong to any Minister vwithin their bounds, or if any Papist, Jesuit, Seminarie Priest, or Excommunicat person, shall publickly or privatly have any reset, supplie, maintenance or favour vwith-

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M. J. Melvine maketh an Apologie for the Ministers.

M. J. Melvine's answers to the Councils Letter.

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in their bounds, that they delate them to them, or to his *Maj.* Advocats, or to their deputies; furnish sufficient informations and verifications, whereupon processess may be deduced &c. The Presbyterie appointed *Mr James Melvine* to penne an answer, to be sent to the Council in their name. In his answer, he giveth thanks for the offer; but with all uttereth the grief of their hearts, that the King should offer such occasion of grief to the People, and arme insolent Atheists and Papists to depise, and misregard the Ministers of *Christ*; that so many godly, learned and faithful Pastors were drawn from their Charges, now specially when the hand of God was lying upon them by Pestilence & unseasonable weather in time of harvest; and to cast them, as malefactors, in ward and prison. The drift of the Councils Letter was to extenuat the rigour, which was to be used against the imprisoned, who were to be summoned to compare before the Council soon after.

Moe Ministers
warded.

Upon the 3. of *October*, other Ministers, who had been at *Aberdeen* Assembly, were cited before the Council at *Perth*, of which number some were suffered to return home, because they doubted of the lawfulness of the Assembly, to wit, *Mr Archibald Bleckburne*, *Mr Robert Youngsone*, *Mr Thomas Abernethie*. *Mr Thomas Abernethie* at his examination stood to his deed; but being removed, and understanding, that he was to be warded in *Innerness*, desired to be heard again, and within a quarter of an hour recanted, confessing his oversight. *Mr Robert Youngsone* repented after of his yeelding, & declared before the Council, that he was troubled in Conscience for his last answer, and so was committed to ward in *Stirling*. Seven at this time were warded for standing to the defence of that Assemblie, till the question were decided by the next General Assembly, *Mr Charles Ferme* and *Mr John Monro*, in the Castle of *Doun*; *Mr Nathan Ingles* and *Mr James Greg*, in the Castle of *Dumbarton*; *Mr James Iruing*, *Mr William Forbes* and *John Ross*, in the Castle of *Stirling*.

Because it was thought, that the Kirk was altogether spoiled of power to indict and hold General Assemblies, an Assembly was appointed by Proclamation to be holden at *Dundie*, the last *Tuesday* of *July*: But in what year there was no mention. In the narrative the King professeth, he hath ever carefully regarded, how convenient it is to maintain every Countrey in that form of Government, which is fittest, & can best agree with the Constitution thereof; how dangerous alterations are without good advice and mature deliberation; and that even in matters of the order of the Kirk, in some small Island under his Government, he had abstained from suffering any alteration; and howsoever in the rule of Policie, he cannot but judge, the two Estates, so unseparably conjoined, should be drawn to as great conformitie in all things, as the good of both may permit: Yet that he is, and hath been ever resolved, not to make any sudden or hastie change in the Government of that part of his Kingdome, either Civil, or Ecclesiastical, but with very grave advice and consent of his Estates, & of the wisest, and best sort of them, whom it most properly concerneth; much lesse to trouble them with any unnecessarie alteration of indifferent and ceremonial matters; but upon such foreseen advantages, and prevention of confusion, and evil to come, as the greatest enemies of all Peace, Obedience of Princes, and Order in all Government, shall not be able to finde out any inconvenient in the contrain. This indiction

and

and narrative foresaid was published, when the Brethren were to be summoned.

Libelled summons were directed at the instance of the Advocat, against the Ministers imprisoned in *Blackness*, charging them to compear personally before the Lords of Secret Council at *Edinburgh*. The tenor of the charge here followeth.

The Ministers
summoned.

James by the grace of God King of *Great Britaine, France and Ireland*, Defender of the Faith, to our Lovits, &c. Messengers, Sheriffs in that part. Forasmuch as it is humbly meant, and shown to us by our trustie and familiar Counsellor, *Sir Thomas Hammiltoun* of *Monkland* Knight, our Advocat, That where in the Parliament holden at *Edinburgh*, in the moneth of *June* 1592 years, there was a special provision made, concluded and agreed upon by our Estates, in the Act anent the libertie of the General Assemblies of the Kirk, that We or our Commissioner should be present with the Ministers, at each General Assemblie, and being present in the Town or place where the same held, should before the dissolving thereof, nominat, and appoint time and place, when and where the next Assembly should be holden, as in the Act of Parliament, containing the provision foresaid, is contained. And true it is, that We having signified our will and pleasure to the Commissioners of the Kirk, that We, for many great and weightie considerations, could not be resolved anent the time of the Assembly, which was appointed to have been holden at *Aberdeen* upon the second of *Iuly* last, for the approaching Parliament. The said Commissioners, according to our expresse commandment and direction, acquainted the whole Presbyteries of our Realme with our pleasure, anent that matter, and willed and commanded them to forbear all conveneing and meeting for holding of the said Assembly. Notwithstanding it is of truth, that a very few number of the Ministers, as namely the persons underwritten, They are to say, *Mrs Iohn Forbes, Iohn Sharpe, Robert Durie, Alexander Strauchan, Andrew Duncane, Charles Farholme, James Iruing, Iohn Monro, William Forbes* Minister at *Kintewachog*, of whom there were not passing eight or ten, or thereby, authorized with Commission from their Presbyteries; at least there were not eight or ten Presbyteries at the most, who directed and sent any Commissioners, most unlawfully, contemptuously & seditiously, misregarding our vvill and commandment, signified to them in manner foresaid, convened themselves in the Kirk of *Aberdeen* on the second day of *Iuly* last; & likewise contemned the charge of horning, proceeding upon an Act of Secret Council, & executed against them the day preceeding, anent their dissolving, and suffering of their Assembly to desert, they on their pretended manner begin to hold their Assembly, & the Laird of *Laurestoun* our Commissioner being vvith them, and having first presented unto them a Missive Letter of the Lords of our Secret Council, vvhereby the said Lords earnestly requested them to suffer that diet to desert. Which Request of the Lords of our privie Council in our name, was, and should have been acknowledged, and obeyed as a commandment, of all dutiful Subjects; as also having at length declared unto them our will and pleasure, that nothing should be done at that time; and thereafter, he himself having altogether dissented from any thing treated or done by them, they nevertheless resolved to proceed, without removing of such as were upon leet,

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without the Moderator of the preceeding Assembly, & the ordinarie Clerk, who were two chief & principal Persons requisite in that meeting, they went forward, and most unformally and unorderedly made choise of a Moderator, suffering them to be present at the voting of their own election; and elected a new Clerk, and made indiction of a new Assembly; and so on their pretended manner held their Assembly. Which Assemblie is most unlawful in the self, not only because of the discharge of the Commissioners of the Kirk, and Charge of the Lords of our Secret Council, executed against them, and missive Letters delivered & disobeyed, as said is, & our Commissioner being present in the Town, where they convened & did meet, & altogether disassenting from any thing which was to be done by them; without whose special advice and consent, according to our said Act of Parliament, it was not lawful for them to convene to do any thing: But also because the Moderator of the last Assembly was not present, their pretended Moderator was not lawfully elected; their ordinary Clerk absent, no lawful Clerk orderly chosen in his place; and a number of them not Authorized with Commission from their Presbyteries; being so small, as not making the fifth part of the Presbyteries within the Realme, they could no way by Law, & Reason or good Order make an Assemblie. As also *Mrs Nathan Ingles* Minister at *Cragie*, *James Greg* Minister at *Lowdown*, *John Ross* Minister at *Blair*, *John Welsh* Minister at *Air*, upon the *fifth* and *sixth* dayes of that moneth of *July* respective, resorted unlawfully to the said Burgh of *Aberdeen*; and notwithstanding it was notoure and manifest to all men there, how undutifully and contemptuously the said Ministers proceeded to their unlawful Assembly, without all Form, Order, Reason, Necessitie, or preceeding Exemple, convened themselves unlawfully, and ratified, and approved the proceedings of their said Brethren, contrarie our will, and the will of the Lords of our Secret Council, declared in manner foresaid, and took instruments thereupon. And therefore not only ought the said assembly to be declared unlawful; but the Persons foresaid, who most contemptuously and unlawfully held, and ratified the same, in contempt of Us, & the Lords of our Privie Council, & against the provision foresaid contained in the Act of Parliament, ought to be pursued and punished for the same, to the terrour of others to do the like. OUR WILL Is herefore, ye passe, and in our Name and Authoritie command, and Charge the whole Persons particularly abovewritten, to compare personally before the Lords of our Secret Council at *Edinburgh*, or where it shall happen them to be for the time, upon the *24. day* of *October* instant, to hear and see it be found and declared, that they have very contemptuously and seditiously convened and assembled themselves, and proceeded in the said actions the time foresaid; and therefore their said Assembly, and Approbation thereof foresaid, decerned and declared to be unlawful, and so to be reputed, holden and esteemed in all time coming; and they to be punished in their Persons and Goods, for their unlawful having holding, and approving of the same, as said is; or else to shew a reasonable cause, why the same should nor be done; with certification to them, if they failzie, that the Lords of our Secret Council will decern & declare in manner foresaid: And that they compare personally to the effect foresaid, under the pain of rebellion; and putting of them to our horne with certification, if they failzie, our other Letters shall be directed *simpliciter* to put them thereto, and escheat the same.

The

The Brethren compeared the 24. of *October*, and gave-in first this Supplication following, to the Council.

My Lords of Secret Council, unto your Lordships humbly mean and shew We the Ministers of the Gospel of *Jesus Christ*, who have been called before your LL. and imprisoned the space of thirteen weeks, for convening in the General Assembly, holden at *Aberdeen* the first Tuesday of *July* by past. That for as much as we are charged *de novo* to compear personally before your LL. at *Edinburgh* the 24. of *October* instant, to hear and see it be found and declared, that we have very contemptuously and seditiously convened and assembled our selves, and proceeded in our actions in the said Assembly: And therefore the same, and approbation thereof, decerned and declared unlawful; as in the summons, execute against us thereanent, at more length is contained; which form of summons, and proceeding of your LL. against us, is altogether prejudicial to the Authorized Discipline of the Kirk of *Scotland*, & contrarie to the lovable order observed within this Realme; because it is of veritie that by the warrant of the Word of God, Discipline of the Kirk of *Scotland*, Acts of Parliament, made in favours of the same, and Practice since the reformation of Religion, that all Spiritual matters, anent Doctrine & Discipline, have been, and ought to be cognosced & judged by the Kirk allanerly, as competent judges thereto; and true it is, that the Lawfulness, Approbation or Disallowance of a General Assembly, or proceedings thereof, is a matter Spiritual; and the General Assembly following hath ever allowed or disallowed, as they have found just reason & cause, the Assemblies preceeding, and things done therein, as is evident in the General Assemblie holden at *Dundie* 1597. Which declared and allowed the Assemblie preceeding, holden at *Perth*, and the proceedings thereof, to be lawful, his *Maj.* being present at both. 2. Because it is expressly set down in his *Maj.* late Proclamation, that his *Maj.* expects reparation of misorders therein, if any be. 3. If your LL. shall proceed against us, for the cause above specified, your LL. may give occasion to confound the Civil and Ecclesiastical Jurisdictions, which hitherto have been, and are by Lawes and Practice happily distinguished, to the great peace and unitie of this Realme, praised be the name of God. And if we have transgressed any wayes against a Civil Law, we offer our selves most willingly to be tried and judged, conforme to the order practised upon other his *Maj.* Subjects within this Realme; the duties, and transgressions of our offices, if any be, being alwayes remitted to the Judge Ordinare. Herefore we most humbly beseech your LL. in the name of *Jesus Christ*, who shall judge the quick and the dead, to remit the said cause, and trial thereof, to the said General Assembly, which is only judge competent thereto; & dimit us in peace, that we may attend upon our callings, according to all equitie and reason. And your LL. answer hereunto we most humbly crave; & so much the rather, because we have given in to your LL. diverse Supplications hereanent of before, & have received no answer.

This Supplication was presented and read, but rejected; and the Brethren were urged by *Sir Thomas Hammiltoun* Avocat, to answer to the libel; whereupon they were constrained to give in the Declinature following.

My Lords of Secret Council, please your LL. the Approbation, or Disallowing of a General Assembly, hath been, and should be, a cause

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Spiritual, and alwayes cognosced and judged by the Kirk, as judge competent within this Realme; and seing we are called by your *LL.* to hear and see it be found and declared, that we have very contemptuously conveened and assembled our selves in a General Assembly, at *Aberdeen* the first Tuesday of *July* last by past; & therefore the said Assembly, and approbation thereof, to be decerned and declared to be unlawful, as at more length is contained in the summons, execute against us thereanent. We, in consideration of the premisses, and other reasons to be given in by us, have just cause to decline your *LL.* judgement, as no wayes competent in the cause above-specified, & by these presents we *simpliciter* decline the same; seing we are most willing to submit our selves to the trial of the General Assembly, only judge competent; by these presents subscribed with our hand, as followeth, the 24. of *October* 1605. *Sic subscribitur.*

| | | |
|-------------------------|-----------------------------|--------------------------------|
| <i>Mr John Forbes.</i> | <i>Mr Andrew Duncan.</i> | <i>M. John Monro.</i> |
| <i>Mr Robert Durie.</i> | <i>Mr. Nathan Ingles.</i> | <i>M. William Forbes.</i> |
| <i>Mr John Welsh.</i> | <i>M. James Gregg.</i> | <i>M. James Irving.</i> |
| <i>John Ross.</i> | <i>M. Charles Farholme.</i> | <i>M. Alexander Strauchan.</i> |
| <i>Mr John Sharpe.</i> | <i>M. Robert Youngsone.</i> | |

Notwithstanding of this Declinature, the Lords of Secret Council urge the Ministers to answer to the libel. The Brethren, under Protestation, and adhering to their Declinature, gave in the answers to the libelled summons, as after followeth, for clearing of their cause to the Consciences of all men.

Our challenge, according to your *LL.* summons, is, that we have assembled unlawfully, and therefore should be punished. The grounds alledged for unlawfulness are two, *First*, sedition and contempt, in that, as is alledged, seditiously and contemptuously we conveened and held our Assembly: *Secondly*, that we proceeded unorderly. The reason of the alledged contempt & sedition is, according to the Act of Parliament 1592. That it was not lawful to us to conveen, or do any thing, without the special advice and consent of his *Maj.* or his *Maj.* Commissioner being there present. And it is assumed, that we have conveened, and proceeded, not only without his *Maj.* or his Commissioners consent, but contrarie to his expresse command & will, signified by the Commissioners in their Letter, and by your *LL.* missive Letter, sent by *Lawrestoun* his *Maj.* Commissioner, and expressly against a publick Charge of horning, proceeding upon an Act of the Secret Council, execute against us the day preceeding: Whereupon is concluded our contemptuous and seditious meeting. The reasons alledged of our unformal and unorderly proceeding are, *First*, because we proceeded without the presence of the former Moderator, & of the ordinarie Clerk, as Principal Persons requisite in that meeting. *Secondly*, because we made choise of our Moderator, without removing of such as were upon the leets; and elected a new Clerk without lawful order or form of process, used against the ordinarie Clerk. *Thirdly*, because of our number, authorized from our Presbyteries, so small, as not making the fifth part of the whole Presbyteries within the Realme. And therefore &c.

Answer. Suppose the whole libel were admitted, yet doth it not inferre the Conclusion of unlawfulness either of our meeting, or proceeding:

Because

Because the true cause of the lawfulness of an Ecclesiastical meeting, & Actions, are suppressed, which is the direction and ordinance of the Lord, the Author and Institutor of the same, the Lord *Iesus*, according as he hath prescribed and commanded in his word, as King and Head of his Kirk: And in stead of this ground, which giveth the Authoritie, the civil approbation of our Christian Sovereigne, moved of christian dutie, in testification of his subjection to *Christ*, and willingness to have all his Subjects brought under humble Obedience to Christs scepter, are alledged as the onely warrant of such meetings.

The reasons contained in the libel, considered apart, inferre not the Conclusion. And *first*, concerning the Proposition, builded upon the Act of Parliament, it shall be found of no force, in respect neither expressly, nor by relation, shall it be found in the Act of Parliament alledged. 1. Because the Act is no instituting Law of Assemblies, but a simple Approbation of them, as they are appointed by the Kirk. 2. Because the said Approbation declareth, that it shall be lawful to the Kirk and Ministers every year once, and oftner as occasion shall require, to hold and keep General Assemblies. 3. Because the provision, therein contained, imports no nullitie of the foresaid libertie, nor approbation thereof, but rather the contrair: Because it concerneth no wayes the action of convening or holding Assemblies; but only the nomination of the circumstances of time and place of the next Assembly; and that not simplie, but upon condition of their presence where the Assembly is holden; neither yet absolutly, although they be present, but conjunctly with the Assembly. And lastly, because the said provision, in the last part thereof, expressly beareth, that it shall be lawful to the Kirk by themselves, without either his *Maj.* or Commissioner, in case of their absence, to nominat time & place of the next Assembly; & so consequently that they may be lawfully Assembled, and proceed without either his *Maj.* or his *Maj.* Commissioners presence, or consent.

Now to the assumption, and *First*, touching the Commissioners Letter. 1. The Letter contained no Command, but a simple Advice. 2. We had a more Authentick, and more evident signification of his *Maj.* will in the contrair, by the Act of the General Assembly holden at *Halyrudhouse*, by which Act, all power was taken from the Commissioners of the General Assembly, by his *Maj.* consent there present, to make any alteration, drift or delay of the diet of the General Assembly, the said act being made, for removing the just conceived grief of the Kirk, upon the like abuse in their persons of before. 3. The said Letter was directed to our Presbyteries, and not to us in particular. So that we, who convened there as Commissioners directed from our Presbyteries, who had power to command us, ought not to be challenged for disobedience; but rather our Presbyteries, which did direct us, if any ground of accusation might be justly alledged. 4. The advice of this Letter was not to be obeyed, because it was unlawful, and contrair to the Libertie approved by the Act of Parliament foresaid, and continual Custome and Practice of the Kirk, it containing an advice of delay, without any certainty of a new day, which imported a plain desertion, rather then any lawful continuation. 5. Albeit it should have been obeyed, yet our meeting can be counted no disobedience unto it; because it adviseth us not to keep the *fifth* day, which day we kept not, our Assembly holding the *Second* day.

Secondly, as touching your *LL.* Letter. 1. We cannot be accused of

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contempt of our meeting, in respect, by the Laird of *Laurestounes* own consent, knowledge and advice, we were convene'd, and our Convention sanctified by calling on the name of God, before the said missive was presented to us. 2. Because so farre thereof, as might be obeyed, without prejudice of the Libertie of the Kirk, the Practice thereof, & Approbation of that Libertie contained in the Law, without guiltiness of perjurie against our Oath, not only to the maintainance of our Discipline, according as is contained in the Confession of our faith; but also to the obedience of his *Maj.* Law, and our Ordinare in God, at our admission to our callings, was reverently obeyed, and fully satisfied.

Thirdly, touching his *Maj.* Commissioners credite, and disassenting. 1. He made no opposition to our meeting and down-sitting, but consented thereto. 2. He presented to us the Counsels Letter, desired it to be read, considered, and answered; and removed to that effect. 3. He acquiesced and was satisfied with obedience given to the first part of the Letter, touching our dissolving. And as touching the second part, anent the nomination of a new day, he denied, that he had any Commission therein at all; and therefore refused, either by himself, or with us, according to the Act of Parliament, to appoint any new day.

Fourthly, concerning the charge of horning, alledged executed the day before. 1. We cannot justly be convicted of contempt, in respect no intimation of any such charge was made to us, either by himself, or by his Officer, or any other in his name; neither was it known to us, as we are readie to depon upon our Oath. 2. Because the said Laird of *Laurestoun*, being convene'd with us, did give us just occasion by his speech to conceive no such thing, affirming, that although he might have had Charges, yet he would rather use your *LL.* Letter of Request. 3. We cannot be perswaded, that either the Commissioner, Officer or witnesses will abide by their charge. 4. Although the execution were true, yet it cannot import the punishment, contained in the Libel, considering it is not according to the Act of Parliament, *James 6. Parliament eleventh 1587.* which beareth, that no Letters, which import tinsal of life or movable goods, shall be of force, except they be execute between eight hours in the morning and twelve houres at noon, before famous witnesses. And it is of truth, that the indorsation of that pretended execution, beareth, that they were execute between seven and eight at evening. *Lastly*, because we testified our obedience, in satisfying the charge, which was given on Tuesday the second of *July* personally, as the Instruments, taken upon our obedience, do testifie. This farre to the particular parts of the Assumption, to clear our selves of all contempt.

Now farther, albeit all the former four grounds of intimation of his *Maj.* will, were true, and had come to our knowledge; yet can we no wayes be found guiltie of contempt or sedition, in our meeting or proceeding, in respect of the Act of Parliament *James 6. Parliament sixt, 1579. Act 92.* and Law made in *Robert* the seconds dayes *citat. de verborum significatione*, both freeing the Civil Judgement and jurisdiction from all contempt of his *Hightness* Authoritie, or your *LL.* of the Secret Council, albeit they should proceed in judgement according to the Law, notwithstanding of any privie Writing, Charge or Command, directed in the contraire by his *Maj.* or Lords of the Secret Council, or any Command directed to them under the Great Seal, Privie Seal or Signet, repugnant to the Law: whereupon it must follow, much more a Spiritual Judicatorie, that

hath

hath not institution or ground from any civil Authoritie, but from the Word of God, which is in nature different, and distinguished by the Ordinance of God, and Lawes of the Land; and albeit not instituted, yet approved by the Acts of Parliament, may proceed lawfully, notwithstanding of any foresaid signification of his *Maj.* will in the contraire, or your *LL.* of the Secret Council, and yet be free of contempt or seditious proceeding. 2. Because his *Maj.* Commissioner was not only present with us, but agreed with our down-sitting, acknowledged our Authoritie by presenting your *LL.* Missive, and willingness to answer, and by consenting to diverse things done by us, in that meeting. This farre for answer to the heeds of the Libel.

Now for justifying the lawfulness of our meeting, we have subjoined these reasons following. 1. Because it is done by authoritie and warrant of the Word of God. 2. Because it is according to the approbation of the Civil Law. 3. Because it was a Convention of lawful persons, having a lawful calling for a lawful end. 4. Because there is nothing concluded, either contraire to the Law of God, the civil Law of the Countrey, or Constitution or Customes of the Kirk. 5. Because although the allegiance of the Libel were admitted, we have had a sufficient warrant of his *Maj.* Commissioner, and the Commissioners of the General Assembly, subscribed with their hands, designing and appointing both time and place of our Assembly. As for the formalitie of our proceeding, our work being such as concerneth the Government of the House of God, and so therein subject to the Censure of the Overseers of Gods House; as ever hitherto; so yet we submit our selves and our doings to be censured and judged, according to the Word of God, by a lawful and free General Assembly.

The challenge of us, who came afterward, and approved it, is, that our approbation is unlawful; therefore we are to be punished. The reason to prove the unlawfulness, is, because we resorted unlawfully to *Aberdeen*; and understood, that it was not our and manifest to all men, that our Brethren had undutifully and contemptuously proceeded to their Assembly.

Answer. 1. As for our coming, we had the same warrant of Gods Word, approbation of the Civil Law, the same Calling and Commission from our Presbyteries; so that if any unlawfulness be in our coming, it must be in the time, which is not to be imputed to us, but to the Commissioners, vvho by the error of their Letter disappointed our Presbyteries and us of the right day. 2. As to the knowledge of the unlawfulness of our Brethrens proceeding, vve are readie to purge our selves, that neither then, nor by any trial since, did vve; or can vve understand any unlawfulness or contempt, in their proceedings. 3. Seing our approbation concerneth their vvritten processe allanerly, according to the subscribed copie thereof, which we received, Reason and Law would necessarily require, that their proceedings should first by a lawful trial of a free General Assembly be found, and declared unlawful, before our approbation in any vvayes be condemned. 4. Seing in the said copie of their proceeding, vvch vve have approved, there is no signification of any preceeding charge given unto them, by the Laird of *Laureston*, vvhereupon either disobedience or contempt might follow; but only of a subsequent charge given personally, & fully obeyed, our approbation is so far from convicting us of contempt, or of sedition, that by the contraire it

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cleareth our willing obedience, by the approbation of their obedience in that part. *Lastly*, it is against all order, equitie, forme and reason, and all former example, that Commissioners, directed from a Presbyterie, should be challenged for executing their Commission, wherein they are directed by their Presbyterie, and whose execution is approved by their Presbyteries.

We give in this, under Protestation, that we no wayes admit your *LL.* as Judges competent in this cause, pursued against us, anent the Assembly; and these presents are only to clear us of the alledged crimes against us.

Mr James Melvine in his Apologie answered to sundrie objections. *First*, to the fewness of the number. That the Assemblies of the Kirk, in the Gospel, are not defined by great numbers, *wheresoever two or three are gathered together*, &c. *Next*, for any thing that was done, the number was sufficient, to wit, to fense the Assembly with Prayer, and to continue the same to another day, for causes moving them; and this hath been practised, not only in our Parliaments, but also in our Kirk: for in the year 1596. the ordinarie General Assembly was appointed to be holden at *St Andrews*; There was an Assembly convened after at *Perth* in *Februar*, upon the Kings Missives. *Mr Robert Pont* the last ordinarie Moderator, accompanied with *Mr John Hall*, now a Court Minister, and some few others, came to *St Andrews* the 27. of *April*, the day appointed for the General Assembly, and continued it to the moneth of *May* following, to be holden at *Dundie*; because of the state of the time, & that the King in that Convention had so ordained. As for the form of choosing the Moderator, the ordinarie yet standing: he answereth, he was absent undutifully; and therefore another was chosen. There was no Preaching; because the last Moderator came not, and no other would, upon so short advertisement, take it in hand: yet it was supplied by the ordinarie Doctrine of the Minister of that place. As for the Leets, they were made after Prayer, conceived by the Moderator of the Synod of the Province of *Aberdeen*. As for not removing them out of the Kirk doores, till the choise of a new Moderator was made, and other such accidental points: such trifles are not to be stood upon, when the substance is in peril, as at this time was the possession of the Libertie to hold Assemblies: neither ought the other partie to challenge this forme, if they would remember, how at the Assembly of *Perth*, without any Doctrine or Leets, the ordinarie Moderator *Mr Robert Pont* being absent, *Mr David Lindsey*, at the nomination of two or three of the Brethren present, entered Moderator to that Assembly. As for the ordinarie Scribe of the Assembly; he refused to do his Office for fear, being present in the Town, and threatned by the Kings Commissioner: therefore they choosed a more authentick Clerk, one of their own number, after the form of Synods and Presbyteries. As for the place, it was not privat, as was alledged, nor the doores shut; otherwise then is the custome at keeping Assemblies. It was kept in the ordinarie Session House, within the Kirk of *Aberdeen*, where the Synods and Presbyteries sit ordinarily; as publick an House as either the Council-House within the Tolbooth of *Dundie*, where a notable Assembly was holden in the moneth of *July* 1580. or the Council-House within the Tolbooth

of *Edinburgh*, where the General Assembly sat often twice in the year. As for the Act of Parliament made in *June 1592*. it is true, that it provideth, that the King or his Commissioners, with the Ministers, shall appoint time and place. But this provision is not privative, nor derogative from the lawfulness of the meeting ratified by the Act, expressed with the word, *Otherwise not*, or such like, as Lawyers use; so that if the provision be not observed, the licence shall be null; but only for the strengthening and furtherance of the Assembly, that his *Maj.* by Himself or Commissioner shall concur, as the clause added clearly sheweth, where it is said, *As they have been in use to do, in times bypast.*

At this time, *Mr Robert Youngson*, one of those who had been remitted from *Perth*, because he doubted of the lawfulness of the Assembly, being moved in conscience returned, and when the rest were standing before the Council, compeared, and desired to be heard, & acknowledged his oversight before the Council, at *Perth*: and therefore, howbeit not summoned by the Lords, was charged by the living God, and compelled to compear that day, to justify that Assemblie, & whole proceedings thereof; to the great astonishment of the Lords, and comfort of his Brethren. He subscribed the Declinature with the rest. The Council, notwithstanding of their Declinature, & Answers foresaid, gave out sentence against them, conform to the Summons. So the present Brethren were remitted to their wards.

The Ministers remitted to their wards.

The Parliament of *England* was to sit down, upon the fifth of *November*. Two or three dayes before, was discovered a fearful conspiracie of some Papiſts, who had enterprised to blow-up the Parliament-House with powder, when the King, the Prince and the Estates should have been convened in it. I referre the Reader to the English Histories, for a full information of this Treason, commonly called the *Powder Treason*. The deliverance from the conspiracie made men to think, the King would desist from troubling of poor Ministers, either in *England*, or *Scotland*, when all the Congregations were required to give thanks to God, for so great a deliverance. But the King sent home expresse charge to the Council, specially to Chancellour *Setoun*, Secretare *Elphinstoun*, Sir *David Murray* Comptroller, Sir *Thomas Hammiltoun* Advocat, to put the Ministers to an Assise, upon a Dittay of Treason, for the Declinature. The Synod of *Lothian* caused penne a letter in their name, wherein they congratulat the King for his late deliverance; & suited enlargement to the late imprisoned Brethren, according to the clemency, usually shewed to all poor prisoners, at such times. But *Mr John Hall*, a venomous adversarie to the imprisoned, & *Mr James Law*, afterward Bishop of *Glasgow*, then Ministers within that Synod, refused to subscribe the supplication. Loath were they, the King should see their hand contradict that which by their tongue they allowed & approved, in secret before the King. Because of their calumnies the imprisoned sent a pithie and prolix Letter of heavie complaint, to the Presbyterie of *Edinburgh*, dated at *Blacknes* the 18. of *November*.

A direction to form the Ministers Dittay.

The Ministers imprisoned in *Blacknes*, gave, in a Supplication upon the thirteenth of *November*, to the Lords of Council, for transportation; because the Pest was come to the very gates of their prison: but it was rejected.

The Earles of *Marr* and *Dumbar* came from Court, about the beginning of *January*. Rumors were spread, that the Council was to sit at *Lithgow*, for some other purpose, then for the Ministers; and that they were

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to be sent for, only for a fashion, to recover their maine designe. Yet the imprisoned being advertised, upon the third of *Januar*, sent for *Mr Thomas Craig*, *Mr William Oliphant* & *Mr Thomas Hope* Advocats. They come to them upon the eight of *Januar*, and used all reasons they could, to move them to passe from the Assembly, and from the Declinature given-in for the defence of it; and that *propter majus bonum Ecclesie*, and appeasing of the wrath of the King, keeping of him on their side, and healing of the breach of the Kirk already made: for a Condemniture was to passe against them, to the prejudice of the whole Kirk. They alledged, that the Earle of *Dumbar* his *Maj.* Commissioner offered, that if they would, without any confession of offence, only submit themselves to his *Maj. pro scandalo accepto, non dato*, and passe from the Assembly & Declinature, that they should be restored to their places, & have all their charges defrayed. But it pleased God so to strengthen the imprisoned, that they stopped their mouthes, and convinced them in their Consciences, that they could not do it, without betraying of the cause of Christ. As for the inconveniences alledged, they protested, the Lord was witness, that they were not the procurers; but unfaithful Brethren, who with *Demas* had imbraced this present world, and had sold both hearts and tongues for the wages of unrighteousness. Necessitie was laid upon them to defend the Truth, a point belonging to the Sovereignitie of *Christs* Royal Crown and Kingdome, both for Authoritie of conveying his own servants to do his affairs, when, where, and after what manner it pleaseth him; and the Authoritie of judging all matters belonging to his Kingdom, both essential, and accidental; from which they might not depart in any jot, under the pain of high treason.

The imprisoned refuse to take up the declinature.

Upon the tenth of *Januar*, the guard came to *Blackness*, between two and three in the morning, and wakened the imprisoned out of their sleep with sound of trumpet. The imprisoned went with them, rejoicing, & came to *Linlithgow* Palace by the sun rising. Sundrie of the Ministrie resorted unto them, namely *Mrs Andrew Melvine*, *James Melvine*, *John Carmichael*, *John Dykes*, *Patrick Simpson*, *Henrie Levingston*, *William Murray*, *John Scrimger*, *Robert Colvill*, *Adam Bellenden*, *Ninian Drummond*, *John Row*, *Michael Cranston*, *William Arthure*, *William Birnie*, *John Bell of Calder*, and some of the Brethren out of *Dumbarton* and *Linlithgow* Presbyteries. The Council directed the Lord *Newbottle*, the Lord of *Blantire*, & the Laird of *Whittinghame*, to move them to passe from the Assembly, and to take up their Declinature. They alledged to the imprisoned inconveniences, which may fall out; but could not prevail. The Brethren present offered, that if the Council would deferre the whole processe and decree, standing against them, they should passe from that Declinature. The Lords answered, that the Council could not annul that decree, it being registrat. They were sent againe with diverse others, namely, the Advocate *Sir Thomas Hammiltoun*, and the Collector *Sir John Prestoun*, to assure them, they would be condemned of treason, and severely punished. *Sir Thomas Hammiltoun*, *Mr Thomas Craig*, *Mr William Oliphant* advised to passe from the Declinature, *pro loco et tempore*, assuring them, it would no wayes be prejudicial to their cause. They answered, they would seek the advice of the Brethren. It was the Brethrens advice, that the Council should be intreated to give them libertie to go to their own Presbyteries & Synods, which sent them in Commission to that Assembly, to seek their advice.

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Whereupon they directed *Mrs James Melvine, Patrick Simpson, John Carmichael & Adam Bellenden*, (afterward Bishop of *Dumblane*, but then apparently forward) to the Council to propound this overture: But it was rejected, and answered, that either the Declinature must be taken up, or else the Assise must go forward. The Brethren enter in consultation, what is next to be done, whether *pro loco et tempore* the Declinature should be taken up, or not. In end it was resolved, it should not be taken up.

The Lieutenant of the guard came to the Brethren, to warne them, that the Justice depute *Mr William Hart*, with all the members of the Court, requisite to put the imprisoned Ministers to an Assise, assisted with the whole Council, were set in the Tolbooth, attending the presenting of the imprisoned. The whole Brethren accompanied them to the Tolbooth. The imprisoned, to wit, *Mr John Forbes, Mr John Welsh, Mr Andrew Duncan, Mr Alexander Strauchan, Mr Robert Durie, Mr John Sharpe*, entred within the pannel about two afternoon. *Mr Thomas Craig* and *Mr William Oliphant* refused to compear to plead for them, howbeit *Mr Thomas Craig* had a yearly rent to plead for the Kirk, and *Mr William Oliphant* had promised that day to plead for them. *Mr Thomas Hope* and *Mr Thomas Gray* compeared to plead for them, and craved a warrant of the Council; because five of the pannel were at the horne: which was granted. The Kings Advocat produced the dittay, whereupon the defenders were to be accused. The Lords of Secret Council following declared, they would assist the Justice, as Assessors in this cause, the Earle of *Montrose*, the Chancellour, the Earle of *Marr*, the Earle of *Linlithgow*, the Earle of *Dumbar*, the Lord *Glames*, the Lord *Abercorne*, Lord *Elphinstoun*, Lord *Scoone* Comptroller, Lord *Balmerinloch* Secretar, *Mark Lord Newbottle*, *Walter Prior of Blantyre*, *John Commendator of Halyrudhouse*, *Sir James Douglas of Whittinghame*, *Mr John Prestoun of Pennicooke* Collector, *Sir Richard Cockburne of Clarkintoun* Lord privie-seal, *John Lord Murray of Tullichardine*, *Sir Robert Melvine of Mordocarnie* knight, *Alexander Master of Elphinstoun*, and *Sir William Levingstoun of Kilgib*.

Sir Thomas Hammiltoun the Kings Advocat his accusation was concluded in this syllogisme, whosoever in whatsoever cause declineth the King and Councils judicatorie, incurreth the guilt, and paine of treason. But these upon the pannel have declined the King and Councils judicatorie. Ergo &c. The Proposition he proved by an Act of Parliament holden at *Edinburgh* in *May 1584*. The Assumption he proved by the Declinature given in, and subscribed with their hands; which was read; and when it was read, he concluded, that they had treasonably declined the King and Councils judicatorie.

It was alledged by *Mr Thomas Hope*, Advocat for the pannel, that this matter cannot passe to the knowledge of an Assise upon the declinature given in by them, upon the summons pursued contrair them, before the Lords of Secret Council, in so far as they are pursued upon the first Act of Parliament holden in *May 1584*. years: Because the meaning and intent of the said Law is only to Establish the Kings Royal Power & Jurisdiction over all Persons, which the pannel in all humilitie and submission confesseth: and albeit the said Law appear to be general, and universally to comprehend all matters; yet the same cannot be universally understood: Because wheresoever a Law speaketh generally, if upon the Ge-

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neral speaking, any absurditie or incommoditie may follow, which may take away former Lawes, or confound distinct and diverse jurisdictions, established by lawes of before, the samine in that case must be restricted to those matters, that may fall under the compasse of the law, which specially ought to have place, where the matter is odious. But if this Law were universally understood of all matters, it should follow, that the jurisdictions of the Secret Council, the Lords of Session, and Justice General, should be confounded. In so far as the words of this Law being attended, no Person, being conveened before the Lords of Secret Council for a crime, which is competent to the justice; or for a civil debt, which is competent to the Session, might not, nor could not, without peril of this Law, alledge, that the Lords of Secret Council are not judges competent in criminal or civil causes. And as this were competent, in the distinct jurisdiction of the Lords of Secret Council, Session and Justice; it is as competent in the Jurisdiction Ecclesiastical, which is a several and distinct jurisdiction by it self, having the warrant and ground of the Word of God, and being authorized by his *Maj.* Lawes, specially by an Act of Parliament, made *Anno* 1579. And another in 1581. and 1692. years. So that the pannel, being conveened before the Lords of the Secret Council, in a matter which was altogether Ecclesiastical, pertaining to the jurisdiction of the Kirk, whereof the chief point consisteth in the lawfulness or unlawfulness of a General Assembly holden by them, they might lawfully, without peril of this Law, decline the said Lords of Secret Council, as nowayes judges competent of the lawfulness or unlawfulness of the General Assembly: seing the said Law cannot be extended to such causes, as have a separat or distinct jurisdiction by themselves: and the pannel, in the summons before the Secret Council, were not so much as cited upon the unlawfulness or lawfulness of the Assembly. As for the contemptuous conveening, being discharged by his *Maj.* Letters, against the request of the Lords of Secret Council, and Commissioner for the Kirk, which matter might appear properly to appertain to the jurisdiction of the Lords of Secret Council, it was *answered*, that it should not be considered, what was the mids, whereupon they were conveened before the Lords of Secret Council, but the conclusion of the summons must be attended; seing it is the Conclusion, & not the Premises, that maketh the nature of the Action: for upon one cause and ground, and upon one fact, may concur of Law two actions, or moe, which are dignosed by their Conclusions; as in an action of spuilzie, pursued civilly, the cognition thereof pertaineth to the Lords of Session, the libel being so formed, that it conclude the restitution of the goods spoiled; and upon the same fact, the spoiler may be conveened before the Lords of Secret Council, for oppression, the summons concluding to hear & see order taken with him, for committing of the said fact. So that albeit the fact be one, yet two diverse Conclusions produce two several Actions, the cognition whereof pertaineth to two several Jurisdictions. And as this is true in all other carnal matters, so likewise it is true in the cause intended and pursued against the pannel before the Lords of Secret Council: Wherein it ought not to be respected what was the deed, whereon they were summoned; but it ought to be considered, what the summons concluded. So that albeit the alledged fact or deed, committed by them, might be punished by the Secret Council, & so pertain to their jurisdiction: Yet seing the conclusion beareth not allanerly for the said fact, which if it had been so conceived,

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the pannel could never, nor would never have declined: Likeas in fact they have not declined the same. But it concludes to hear and see the Assembly, holden by them, declared unlawful; which conclusion maketh the matter to be altogether Ecclesiastical, only subject to the jurisdiction of the Kirk, Established by his *Maj.* & by the Laws of this Countrey; the Action being counted of that nature, whereof the Conclusion is, of all dutie & Conscience they ought, & might have declined the same, without peril of the said law. And therefore &c.

Secondly, The Act of Parliament cannot be extended to the Declinature, proponed by the pannel: Because in all lawes the intention and reason of the law ought to be attended. But so it is, that the intention and reason of this law was only made in such matters, where any Persons were summoned *super inquirendis*, as appeareth by the very expresse words of the Law, Saying, *in all matters, vwherein they should be apprehended &c.* So that the Law, being only conceived upon a singular case, cannot be extended to any other case or matters, not expressed in the law; consequently cannot be extended to the action pursued against the pannel, before the Lords of Secret Council: Because they would not pursue *super inquirendis*, but upon a particular fact and libel: And the reason of this law, wherefore it should militat *super inquirendis*, is because, if any person, being summoned *super inquirendis*, would decline the Lords of Secret Council, the fact not being known to him, it were a manifest Declinature of his *Maj.* Sovereigne Authoritie, & an excomming of his person from his most Royal Power. So that this reason, not being militant in the case of the pursute pursued against the pannel before the Secret Council, the said Persons, inusing of their Declinature, have not fallen under the compasse of the said law. *Farther*, the said law cannot be particularly extended, above the particular case mentioned in it, *quia odiosa sunt restringenda*; and that by consent of all Doctors is counted odious, which is against the disposition of the Common law, or which may prejudice a third Persons lawful right, which is the nature of this Law; seeing by it the punishment of treason, is imposed upon a fact, which neither by the Common Law, nor by the lawes of this Countrey, is treasonable.

Thirdly, The pannel can no vvayes be accused for the committing of treason, by the proponing of the Declinature: Because by the lawes, the proponing of the Declinature, is not counted a reasonable deed; but only prohibited to be done, under the pain of treason.

Finally, The pannel can no vvayes passe to the knowvledge of an Abscise, for the Declinature, by vertue of this Act of Parliament: Because since the making of it, in the moneth of *June* anno 1592. all Lawes, Acts, Statutes and Ordinances, vvwhich may derogat from the jurisdiction of the Kirk, vvvere abrogated and annulled: Like as by the same law it is declared, that the foresaid Act of Parliament, vvwhereupon the pannel is accused, being the 129. Act of Parliament, holden in *May* 2584. years, shall no vvayes be prejudicial to the priviledge, God hath given to the Spiritual Office bearers in the Kirk, concerning the heeds of Religion, matters of Heresie, Excommunication, Collation, & Deprivation of Ministers, which are the proper subject of the General Assembly, & of the jurisdiction of the same. Therefore the pannel, in proponing the Declinature, did nothing, but that vvwhich pertaineth properly to the jurisdiction of the Kirk, desiring the question, anent the General Assemblie, to be remitted to the Kirk.

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Thereafter the pannel, for clearing his *Maj.* of their intention, in using the said Declinature, have declared, and by these presents declare, that they no wayes meant thereby to exeem themselves from any lawful subjection to his *Maj.* Royal Authoritie; nor yet from the Jurisdiction of the Lords of Secret Council, in any thing, wherein any other Subject is subject to their Authoritie: But only to have that cause, touching the lawfulness or unlawfulness of the said General Assembly, being a matter meerly Spiritual, to be judged by his *Maj.* and the Kirk, as only judge competent thereto, according to the Law of God, and established Lawes within this Realme. Declaring by these presents, that his *Maj.* should judge Ecclesiastical matters with Ecclesiastical Persons, like as he judgeth Civil matters with Civil Persons; and acknowledging themselves in all matters civil or criminal, to be subject to his *Maj.* and all the lawful Jurisdctions, established for such causes within this Land: unto which in all humble reverence they submit themselves; likeas in all Ecclesiastical matters, they are readie to be judged by his *Maj.* with a General Assembly, & other established Orders and Jurisdctions.

The Kings Advocat in his replyes never answered to the substance of the Reasons, specially to the substance of the posteriour Act of Parliament; but passed it over slenderly, without any answer at all.

Before the pronouncing of the interloquutor, because some might have been offended at the word *simpliciter*, in the Declinature, where they say, we decline the judicatorie of the Lords of Council *simpliciter*, in the cause foresaid; as though they had declined *simpliciter* their Judicatorie. Therefore they exponed it, and protested unto the Lords, that in all civil matters, they acknowledged his *Maj.* and Authority of the Secret Council, in all matters that any other Subject will do. But as for the affairs of *Christs* Kingdome, Ecclesiastical affairs, which God had distinguished from the former, they should decline, and lawfully did decline the Judgement of any Civil Judicatorie. The form of the interloquutor given was thus. The judge *Mr. William Hart* Justice depute, gathered the Votes on the one side, and Chancellour *Setoun* on the other side. The Votes were delivered by rounding in their ear, which was beside the order, observed in matters of very small importance, and to the greatest malefactors. It was reported by some Counsellors, that none consented to the interloquutor, but only the Earle of *Marr*, the President, the Chancellour, the Earle of *Montrose*, and the Comptroller. Howsoever it was, their silence made them guiltie. The Justice, with advice of the Assessors, and in respect of the answers made by the Advocat, ordained them to be put to an Assise.

The Assise was called and sworne. No exception was taken against any of their number, howbeit there was just cause: for others as evil would have been placed in their rooms; and the most part were unknown to the pannel. *Sir Patrick Home* of *Polwart*, & *Dunnipace* professed their ignorance; because of the Novelty of the matter, and desired to be freed, or time to be better informed: But it was not granted.

After their oath taken solemnely, the Dittay was read to them, and the Kings Advocat declared, that they had no more to judge upon, but only the deed, whether these upon the pannel had declined, or not: And for verification of the deed, he produced their subscribed Declinature, which they acknowledge in judgement to be theirs. As for the Proposition, that it was treasonable to decline the King and Councils Judgement, the

Judge

Judge and his Assessors had found it relevant. It was answered by the pannels Advocat, that it was strange to damne a fact before it were tried; that it was not the bare deed that was their dittay, but the qualitie of the deed; to wit, that it was a treasonable Declinature. Therefore it behoved them to Judge upon the qualitie of the deed, whether it was treasonable, or not? The deed was not denied, & therefore they needed not to have been put to an Assise for that. The partial Judge *Mr William Hart*, would not make it plain to the Assise, what they should cognosce upon, but referred them to the Clerk, which made some of them to erre in their voting. The pannels Advocat willed the Assise to remember his defences, which he resumed shortly, and to Judge equitably and truely, and not according to the alledged Lawes, not only repealed and abrogat in part; but also made in a violent time, and not well grounded; against which at the very proclaiming at the market crosse of *Edinburgh*, *Mrs Robert Pont & Walter Balcanquel*, in name of the whole Kirk, took protestations & documents of their disassenting, in the hands of *George Mackison* notar publick. *Mr John Forbes* likewise exhorted the Assise to keep a good conscience. He answered to the chief objections, that were used against them, to wit, that they were charged, the night before their Assembly, with the Kings Letters; which he protested was a forgerie. As to the Council's Letter, which was sent to them, it was indorsed after this manner, To the Brethren of the General Assembly, to be holden at Aberdeen, that they behoved once to meet before they could give an answer, which they did not without Laurestoun's special consent. That they obeyed the first part of the Letter, to Laurestoun's full contentment: As for the other part, they could not be answerable to their Presbyteries, if they suffered the time of the next Assembly to fall in a non-entrie: for then could not the Ministrie, by the approved order, observed ever since there was an Assembly in Scotland, have had another Assembly after that time. As for the Letter, directed from the Commissioners of the Kirk, they understood very well what course they were upon, seeking nothing lesse in all their actions, then Gods glorie; willing to pleasure men, and loving preferment, and Balaam's wages, better then an upright Conscience; so that they needed not to impute their trouble to any other, as chief instruments, than to them. Farther, that they had a more evident warrant from the said Commissioners, to keep that Assembly, directed from Perth the year before; wherein they nominat time and place; then to obey the last Letter, wherein they appointed no time to them to convene in an Assembly hereafter. And if Laurestoun would have taken upon him to have nominated any time; either short, or long, for another Assembly, they would have rested contented. But seing the Lords passed from this part of the processe, and they were accused only for their Declinature, which was misinterpreted by the Lords of Council, by reason of the word, simpliciter. To this he answered thus, we desired to have reformed it: But this being denied, we gave in our meaning in write, protesting before God, that we decline not his Maj. and you his Council, as judges tous, in any case, wherein his Maj. and ye may be judges to all other Subjects in the Land: neither yet decline we the Kings Maj. as judge to us in Ecclesiastical or Spiritual matters, he judging conjunct with the General Assembly; but heartily submit all our causes, belonging to any of our spiritual affairs, to his Maj. whensoever God shall give the occasion, that he shall be present with the General Assembly: for it was never heard in

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any nation, where either the true Religion or Poperie hath been professed, that the King & his Council were judges to Spiritual matters. And that your LL. and ye Gentlemen of our Assise, may know what a heauie burden ye take upon your selves, if ye condemne us for sticking to the Truth, ye shall see, that ye are as well bound to maintain the Discipline professed in our Kirk, as we, in that Confession of faith, vvhich the Kings Maj. himself hath sworn and subscribed, and all ye that are here present, of vvhatsoeuer rank or degree. So he drawveth out the Confession, and readeth these Words, To the which (meaning this true reformed Kirk) We joine our selves willingly in Doctrine, Faith, Religion, Discipline, and use of the holy Sacraments, as lively members of the same in Christ our Head, promising and swearing by the great name of the Lord our God, that we shall continue in the Obedience of the Doctrine and Discipline of this Kirk; and shall defend the same according to our vocation & power, all the dayes of our lives, under the paines contained in the Law, and danger both of bodie and soul, in the day of Gods fearful judgement. Now, my Lords, & ye Gentlemen that are upon our Assise, seeing ye have all sworn before God, and subscribed these vvords vvith your hands, judge ye in vvhate estate ye stand, if ye condemne us for maintaining of this Discipline, so vvell vvarranted to us by the vvord of God, and approved by the Lawes of the Countrey. As for us, our lives are not dear unto us, in this case. If ye take upon you to condemne us for such a cause, take heed, Gentlemen, reputed good Christians, that ye be not notablie perjured, in decerning that to be Treason, for pleasure or fear of any man, vvhich ye have subscribed, and sworne you vvill professe, and defend to your uttermost power.

Mr John
Welsh's
speech.

Mr John Welsh gave likewise a grave exhortation to the Lords and Gentlemen of the Assise, and answered shortly to the chief exceptions alledged against them; and letteth them know, that declining of the Council was no new thing in this Kirk; that there was a Declinature of his Maj. and Lords of Secret Council, subscribed by four hundereth Ministers or thereby; yea by some who are now Bishops, and Commissioners, and are the cause and fountain of all thir troubles, and that they have their subscriptions in readiness to produce. Then he put them in minde likewise of their solemne oath, at the subscribing of the Confession of faith.

Advocat
Hammil-
toun inter-
rupteth
him.

The Kings Advocat brake off suddenly, & said to the Assise, it is needlesse to answer all these things, nor are ye to be moved with such tales. Ye are only to see what ye are to do of good Conscience, according to the Lawes of the Countrey. The Justice here, vvith the honorable Lords his Assessors, have repelled all their alledgeances, and found that they have declined his Maj. and Council, as Judges incompetent; & so have violat the Act of Parliament, made in the year 1584. Whereby they incur the pain of Treason. There is the Declinature subscribed vvith their hands, if they be not convicted, ye cannot possible eschevy an Assise of errour. The Justice Depute desired the Assise to remove in all haste. Mr John Forbes seeing there vvvas no stay, said to Dumbar, My Lord, I vvould advertise you of one thing to be reported to his Maj. I know not, vvwhether ever I vvill see his Maj. again, or not. I adjure you before the living God, that you report to his Maj. in our names, this Historie out of the book of Joshua. There vvvas a craftie people, called the Gibeonits, vvho fearing to be destroyed by the Israelits, came to them, and dissembled, as

Mr Forbes
again.

though

though they had come from a far Countrey. The Princes of the people, not consulting with God, made a covenant with them, that they should not destroy them; and the oath of God was taken betwixt them. Now King Saul in his dayes thought he had done well to destroy the Gibeonites, who had deceived Israel. But the Historie after declareth, that God sent a great plague upon the whole Land, and the vengeance of God fell upon Saul and his Posteritie, so that seven of his sonnes were hanged. When the cause was asked of the Lord, he answered, it was because of Saul and his bloudie house, who slew the Gibeonites contrair to the promise made, and oath of God which past betwixt them and their Princes of the people. Now, my Lord, varne the King, that if such a high judgement fell upon Saul and his house, for destroying them who deceived Israel, and only because of the oath of God, which past among them, what judgement will fall upon his Maj. his Posteritie, and the whole Land, if he and ye violat the great oath, that ye have all made to God, to stand to his Truth, and to maintain the Discipline of his Kirk, according to your povers. In case any of you will think to delude God by double dealing with him, I will only read another passage of this Confession, and so end. These are the words. And seeing many have been stirred up by Satan & that Roman Antichrist, to Promise, Swear, Subscribe, and for a time use the Holy Sacraments in the Kirk deceitfully, under the External cloak of Religion, to corrupt and subvert secretly Gods true Religion within his Kirk, and afterward when time may serve, to become open enemies and persecutors of the same, under vain hope of the Popes dispensation, devised against the Word of God to his greater confusion, and their double condemnation, in the day of the Lord Jesus; we, willing to take away all suspicion of hypocrisie, and such double dealing with God and his Kirk, protest and call the searcher of all hearts to witness, that our mindes and hearts do fully agree with this our Confession, Promise, Oath and Subscription; so that we are not moved for any wordly respect, but perswaded only in our Consciences, through the knowledge and love of Gods true Religion, printed in our hearts by the Holy Spirit, as we shall answer to him in the day, wherein the Secrets of all hearts shall be disclosed. So take this to heart, as ye will be answerable to God, in that dreadful day of judgement, to which we appeal, if ye wrongously condemne us. His Brethren approved all that he said.

After these speeches, the Assise removed. They entered in the House below, where they remained enclosed above six hours. It was thought, that either *Dunspace* or *Kerr* should have been chosen Chancellour of the Assise. But the matter was dressed before hand, and *Cragie hall* was chosen Chancellour. *Dunspace* put the Assise in minde, that God was looking on them, and they were to compare before the great judge, one day. He would not for all the Kings pleasures under heaven, yea for a world, condemne them. The Assise was so moved, that once they were resolved to have cleansed them. Whereupon some of the Council came to them, and dealt with every particular man, partly by terrours, partly by promises, and assurance that no harme was intended against them; but it behoved them to please the King. Whereupon the Justice Clerk Brother in law to the Earle of *Dunbar*, and *Craigball* Chancellour of the Assise, were sent to the Ministers to desire them to passe from their Declinature. They answered, if the Council would annul their decret which stood

The Ministers filed.

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against them in prejudice of the Cause, they were content to passe from it; otherwise not. They shewed likewise, that it was the advice of their Brethren, before they entred in the pannel, that they should seek licence to advise with their Presbyteries and Synods in this matter, seeing they were their Commissioners. But none of these things could be granted. They returne, and the Assise went to the voting. Howbeit sundrie were induced upon assurance; that no harme was intended against their persons or goods, to file them: yet six of the Assise cleansed them *simpliciter*, Sir John Levingstoun of Dunnipace, Sir Archibald Stirline of Keir, Gawin Home of Johnscleugh, Robert Levingstoun of Wastquarter, Thomas Levingstoun of Panton, James Shaw of Sauchie. The other nine were induced upon the assurance foresaid, to file them, to wit, Sir John Home of Northberwick, Sir Patrick Home of Polwart, Sir George Home of Broxmouth, Sir John Forrester of Carden, Mark Strivintoun in Innerkeithine, George Home of the Deanes, James Gib younger of Caribben, Alexander Home of Rentoun, and Henrie Stewart of Cragball, Chancellour of the Assise. Dunnipace not only absolved them as innocent of Treason, but maintained they were honest Ministers, faithful Servants to Christ, and good Subjects to the King. They were filed of treasonable declining of his *Maj.* judgement, and Lords of Secret Council, conform to the Dittay produced against them. According to the Act of Parliament 1587. July 29. Act 91. the pannel ought to have been pronounced clean and innocent, howbeit guiltie; because that Act ordaineth all Assises to be enclosed by themselves alone, and that no person be suffered to be with them, or to repair to them, under any pretence whatsover; and that they be not suffered to come out for whatsoever cause, till they being agreed return their answer to the Judge. Otherwise the partie accused to be holden and pronounced as clean and innocent of the crimes laid to their charge. But it cannot be denied, but there was resorting of some of the Judges, Assessors to the Assise, and of the Chancellour of the Assise to the Justice and the Lords his Assessor. The Judge continued the Sentence, till his *Maj.* will & pleasure should be farther known, and ordained the convicted Ministers to be carried back to their ward, and to be kept straitly, that none have access to them. The Ministers on the pannel embraced one another, and thanked God for his presence in the whole action. This was a work of *Darknes*; answerable to the time when they were condemned, which was in the night. They were first condemned by the aspiring Commissioners of the General Assemblie, for the Assembly itself; but this did not content them: for unlesse order were taken with them, there was no life for them, said they, they would be stoned out of the Countrey. The day following they were conveyed to *Blacknes*; Mrs. Andrew Melvill, James Melvill, John Carmichael, John Dykes, John Scrimgeour accompanied them. They parted with thanksgiving, prayer and many tears, more confirmed in the Cause then ever they were.

The King and Commissioners of the General Assembly, thought it a fit time, when the Ministers, imprisoned in *Blacknes*, were convicted of Treason, to try the patience & constancie of the rest of the Ministers. The Synods were, by the Kings direction, appointed to convene in their own bounds *respectively*, all upon one day, in the month of February. So that one Synod might not understand the resolution of another. The King had his Commissioner, or Commissioners at every Synod, to have answered

Five Articles proposed to the Synods.

five Articles. *Mr David Makgill* younger, & *Mr Gavin Hammiltoun* Bishop of Galloway, sent in Commission to the Synod of Merse and Teviotdale, craved answer to these Articles. 1606.

That in the next ensuing General Assembly, no former Acts, made in any preceeding Assembly his *Maj.* being present, be any wise touched, altered, or interpreted. 1.

That the Estate of Bishops be not meddled with, but continued in the same condition they are presently in, till his *Maj.* farther pleasure and will be known. 2.

That there be no alteration of any of the Commissioners, except upon the trial of some notable fault in their Doctrine, Life and Conversation. 3.

That notwithstanding of any Appellation, the Commissioners shall proceed, they alwayes for their proceeding being answerable to the next General Assembly. 4.

That they acknowledge the warrant of their meetings to come by permission of the Prince. 5.

But this Synod, as also sundrie others, rejected the Articles; the Synod of Lethian and some others referred the answer to the General Assembly; the Kings Advocat, *Mrs Patrick Galloway*, *John Hall*, *Peter Hervat*, *David Lindsey*, *Richard Thomson* excepted. By these Articles it may be seen, that the Bishops, fearing to give an account of their entrie and behaviour in their place, and the Commissioners of the General Assembly, their Associats, aspiring to Prelacies, fearing to be changed at the General Assembly, did hinder the holding of General Assemblies, unless immunitie were first granted to them. Other five Articles were spread abroad before the holding of the Synods, something different from the abovementioned: whereupon *Mr James Melvine*, being detained by sickness, wrote a sharp Letter to the Synod of Fife, to animat them to opposition; which I omit: because the Letter is grounded upon supposed Articles.

Upon the fifth of *Februar* was published by sound of Trumpet, a charge, that none presume privatly, nor publickly, in Sermons or privat conferences, to utter any slanderous speeches, against the proceedings of the King, and Council, and Justice; in trying and punishing an handful of Ministers, that keepest a pretended Conventicle, in the moneth of *July* last, and treasonably and seditiously declined the judgement of his *Maj.* Council, in that matter, and in no wise to meddle, nor in no other affairs and proceedings of his Highness Council or Estate, bygone, present, or to come, under the pain of Death: with certification, that such, as shall hear such speeches, and not reveal the same, the said pains shall be executed upon them. Sheriffs, Stewards, Bailiffs of Regalities, Provests, Bailiffs & Council of Burghes, Noblemen, Barones and Gentlemen of power in Landwart, who shall be hearers of slanderous, seditious and treasonable speeches, uttered in reproach, contempt and disdain of his *Maj.* Parents or Progenitors, his Highness Council or proceedings, or meddle with the affairs of his Estate bygone, present or to come, are charged to interrupt them, to apprehend them, and put them in sure firmance, till his *Maj.* and Council be advertised, that order may be taken with them, as accords, with certification, &c. The Proclamer, before he had half done, sat down breathlesse, so that another behoved to enter in his room.

A charge, that none shoud fault with the late process against the Ministers.

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The distressed Ministers answers to the French and Dutch Kirk.

The Council's Declaration.

Eight Ministers written for to Court.

In the moneth of *March*, there was a Letter sent from the Ministers of the *French* and *Dutch* Churches at *London*, to the Ministers of *Edinburgh*, purchased by sinistrous information of some Courtiers, and Court Ministers, to the great grief of the Ministers detained in *Blackness*. The distressed Ministers answers I passe by; because the substance is that which they have answered already, when they gave in their Declinature, and when they were put to an Assise, & the informations given in to the Parliament following.

In the moneth of *April*, the Council finding, that their proceedings against the Ministers were misliked both within, and without the Kings Dominions, they caused publish in print a Book, penned by *Sir Thomas Hammiltoun* the Kings Advocat, entituled *A Declaration of the just Causes of his Maj. proceedings against those Ministers who are now lying in prison, attainted of high Treason, set forth by his Maj. Council for his Kingdom of Scotland*. But the Reader comparing this Declaration with that, which hath been already said, and with the information given in by the distressed Ministers to the next Parliament, shall finde a sufficient and full answer.

In the moneth of *May*, there was sent from Court eight Missives, directed to eight Ministers, indorsed after this manner. To our trustie and welbeloved N. Minister of Gods Word at, &c. The tenor followeth.

James R.

Trustie and welbeloved, we greet you heartily well. Our earnest desire to intertain that happie peace of the Church of our Kingdome of *Scotland*, which with great care and travel we left universally established therein, at our removing thither; having since been from time to time manifested by our Letters to the most part of the Synods of that Realme, and to diverse of our Commissioners, by missives and instructions; as well verbal, as in writing, and more perfectly ratified by Letters written to our Council with our own hand, propoing most clear testimonie of the constancie of our love to all vvell affected members of that bodie; vvhich by Proclamations & printed Declarations vvas likewise so solemnly published, as the notoriety thereof vould be unknowvn to none, but such as through vvilful senselesnesse vould neither hear nor see. Having nevertheless so little prevailed vvith some Incredulous, Wvllful, Ingrate, & Malitious disposed Persons, as some of them have not forbore rashly to contemne and disobey our Authoritie, Charges, and Commandments, and so stubbornly to persist in their contumacie, as their malitious obstinacie hath forced us to intend greater rigour against them, then our inclination alloweth, yet far lesse then their offences did deserve: And others have presumed in pulpit foolishly to justify the obstinat and malitious proceeding of their Brethren; and therewith to slander our just commandments, and lawful proceedings of our Council. As also the Synods being required by our Letters, and Commissioners directed to them, to provide for their ovvn parts, so farre as in them lay, to give assurance, that certain Acts, established in former Assemblies, necessarie for the vveal & peace of the Church, particularly expressed in our Instructions sent unto them, may be ordained by them not to be proponed, treated, or altered at the next General Assembly; which we know to be more fit to be untouched & overpast at the same, then that any mention should be then made of

them;

them; lest thereby any occasion should arise of distraction in the Church, and offence to our selves: yet they so little regarded the earnestness of our suit, as their answers universally tended to a present delay, without any assurance to us of their performing, at the Assemblie, of that which for their own well was so earnestly urged. Wherein finding a more general opposition to our just petition, then we ever could have expected in any such case; these things and other weightie reasons have moved Us hereby to will and command you, all excuses set aside, not to fail with diligence to repaire towards Us, before the fifteenth day of *September* next, to the intent, we may that day begin with your selves, and such others of your Brethren, as we have known to be of good learning, judgement and experience, and commanded likewise to be here at that same time, to treat with you, in matters concerning the peace of our Church of *Scotland*, and make our constant and unchangeable favour, borne to all the dutiful members of that bodie, manifestly known unto you, wherebye ye may be bound in dutie and conscience, to conform yourselves to our Godly meaning, and to bear true witnessing, for justifying the lawfulnessse of all good intentions and actions, as well concerning the whole Church, as the particular members thereof; and that it may be manifest to all the world, that We, having embased our self for giving satisfaction to all, that are of that profession, farther then other Princes account be seeming to their Estate; if thereafter any turbulent spirits be not recalled to their dutie, but persist maliciously in undutiful contempt of us, it may then be worthily judged, that the severitie, which by their obstinacie we may be forced to use, shall rather be violently extorted against our nature for their amendment, then willingly inflicted for their overthrow. This hoping ye will not fail precisely to keep the foresaid appointed day, as ye tender our service, and the well of the Church. We bid you farewell. At our Manure of *Greenwich* the 21. of *May* 1606.

The Brethren, written for to Court, viz. *Mrs Andrew Melvine, James Melvine, James Balfour, William Scot, John Carmichael, Robert Wallace, Adam Coult, William Watson*, convened in the moneth of *June* in *Edinburgh*, and after calling on the name of God, advised what to do: finding no appearance of good, they appointed some of their number to intreat the Earle of *Dumbar* for a stay. But it was answered by him, there was no remedie, they must go, or do worse: for the next warning vould be a charge to their greater pains, and lesse advantage to their cause, the chief men standing in defence of the same being blotted vvith contempt and disobedience. They vv ere also made to believe, that this vv as devised by some, vv ho vv ould have matters to proceed better, and vv ithout the Bishops and Commissioners knowledge. Therefore as they loved the vv ell of the Church in common, and of the imprisoned Brethren in particular, they vv ere desired to obey the direction of the Letter. The Earle of *Dumbar* made *Mr James Melvine* believe, that he vv as the procurer of these Missives, for a special benefite both to the Kirk and them; that the Bishops understood not of it till of late; and vv hen they understood of it, they travelled to stay it; but in vain. Therefore willed them to be of good courage, assuring them by Gods grace he should make it the best voyage, that ever they made. They resolve first to attend on the Parliament, and thereafter to prepare themselves for the journey, howbeit they gave him no credit: and indeed the event proved, that they were drawn to Court, and detained there, that the Episcopal

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course might be advanced in their absence, under colour of an Assembly: for the Convention of Ministers at *Linlithgow*, where the constant Moderators were set up, was holden within two or three moneths after their departure. As for the pretended distraction of the Ministrie, which might perhaps arise from the calling in question of Acts already established; there had been none, if the Assembly were left free to treat, as they went to do, upon the affairs of the Kirk; & some few aspiring spirits had been censured and redacted in order; which would have brought no distraction, but great peace and quietness in the Church.

A Parliament.

The Nobilitie and other Estates convened in *Edinburgh*, to hold a Parliament at the day appointed, but it was prorogated to the moneth of *July*, and appointed to be holden at *Perth*, a fitter place for setting up the Bishops upon the stage of honour, then *Edinburgh*. At this Parliament, the Brethren, Commissioners from sundrie Presbyteries through all the parts of the Realme, resorted to *Perth*. The Bishops made suit to the Council, to have them discharged: But the Council thought it not expedient.

The imprisoned Ministers supplication, and informations.

The Commissioners from Presbyteries dealt earnestly with the Commissioners of the General Assembly, to present the Supplication of the Ministers, imprisoned in *Blackness*. But they refused, alledging, according to their wonted and deceitful manner, that it would rather hurt than help. Yet lest the publishing of the Declaration, set forth by the Advocat in name of the Council, should deceive simple Readers; the imprisoned sent a copie of their Supplication to every one of the Estates severally, together with their informations, concerning all their proceedings.

The Supplication.

The Spirit of Grace and wisdom, uprightness and the fear of the Lord, be with you, for your salutation.

My Lords of this present Parliament, we, the distressed and afflicted servants of the living God, do humbly mean and shew unto your LL. as to those, who are appointed of God to do right to the poor, and to deliver the oppressed; that this is now the twelfth moneth since we have been imprisoned, and troubled for Assembling our selves, in the name of *Christ*, King of his Kirk, for the affairs of our calling, according to the accustomed order, observed since the reformation of Religion, and approved by the Lawes; & have been brought before Judgement Seats, and condemned as malefactors, for the service of our Lord; wherein, as our Consciences bear us record according to his eternal Truth, we have done nothing, but that which is acceptable in his sight; so are we perswaded, that our innocencie is known to the Consciences of all, who love the Lord Jesus his Truth, and do not delight to abide in error; it being, as we now beleeve, clear and manifest to all men, that *First* we have been unjustly reputed, and reported to have been, contemners of his *Maj.* Charge, given publickly at *Aberdeen*, as is alledged; according as it was given in by *Laurestoun* to the Lords of his *Maj.* Council; which alleigance, charges & executions, we dare affirm, in the sight of God and his Angels, to have been forged and feigned, & should have tried openly to have been so, ere now, if half the extremitie and rigour had been used against the

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Authors for doing such wrong, which hath been execute against us, the servants of God; for obeying of his will, and the voice and calling of his Kirk. And *secondly*, that we are most wrongously slandered with disclaiming of our selves from any subjection to his *Maj.* and Council, and with a plain denial of subjection to his *Maj.* and of his Royal Power & Authority over us, by proponing of our Declinature to the Council the 24. of *October* 1605. In the Action of lawfulness or unlawfulness of our Assemblies, as though we had made thereby all our actions, of whatsoever sort, to be meer Spiritual; and that against all equitie we have been burthened with the infamie of Treason (from which the Lord deliver us) in that processe, deduced at *Linlithgow* the tenth of *Januar* 1606. in respect we never declined his *Maj.* being never summoned before his *Highness*, but his Council allanerly. Neither did we ever exeeem ourselves from the Councils judgement, in any thing civil, wherein they are appointed Judges by the Law over any other Subjects in the Land: But at all time did professe, both by word and writ, our humble Subjection to them. Neither ever did we refuse, that his *Maj.* should have entred in this Particular; but were alwayes willing to submit ourselves to the General Assembly to be tried, his *Maj.* being there, either in Person, or by his Commissioner, according to the order observed heretofore in our Kirk. Yet hitherto could no profession of our dutiful Subjection, either obtain our Libertie from a most rigorous restraint; neither save us from being convinced as guiltie: Whereby not only our Flocks have been deprived of the comfort of our Ministrie, our Families impoverished, and our selves sore troubled in our Persons; but iniquitie is made to abound, the word of God weakened, the enemies encouraged, the Gospel slandered, the name of God highly dishonoured; & so the wrath and judgement of God, spiritual and bodily, brought upon the Land. Wherefore we most humbly beseech your *LL.* and in the name of *Jesus Christ* our Lord, we desire you to consider our case, and to redresse our wrongs, by rescinding and annulling the sentences, so unjustly pronounced against us, and to deliver us from that odious reproach and heinous slander of Treason, sounderservedly imposed upon us. 1. Because the ground, whereupon the sentences, both the 24. of *October*, and 10. of *Januar*, were pronounced, have never, neither by the Grace of God ever shall be found, by lawful trial, true in our Persons; we having neither contemned his *Maj.* Charge, it being a forgerie; nor yet disclaimed ourselves by our Declinature from any lawful subjection in the Lord to his *Maj.* whom we ever did, and still do acknowledge the only lawful and righteous King, Lord and Sovereigne in and under God. 2. Because although your *LL.* would not for the equitie of our cause favoure us; yet the very Law oblidgeth your *LL.* to cause us be freed from that sentence at *Linlithgow*, in respect the Act 91. of the eleventh Parliament 1597. Ordains the partie accused to be holden and pronounced clean, and innocent of the crimes and treasons laid to his charge, if any point of the said Act be transgressed. And it is evident to all that werethere, that both the Clerks communed with the Assise enclosed, & the Chancellour of the Assise came forth & spake with the Justice Depute, the Lords and us. Therefore except your *LL.* deny us the benefit of your own Law, ye cannot but ordain us to be free of that sentence. 3. If neither of these reasons will perswade your *LL.* we beseech your *LL.* to consider the danger, which such a preparative must bring to the whole Estate and Bodie of this Kingdom. For who can escape the like sentence,

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if it should stand, that no man whatsoever declining the Council, but should be guiltie of treason: but it is so ordained and straitly commanded, in the end of the book of the Declaration, set forth by his *Maj.* Council, that none of his *Maj.* Subjects in this Kingdome, of whatsoever Rank, Place, Calling and Condition, presume to interpret that Act of Parliament in the year 1584. concerning the declining of the Councils Judgement, otherwise than the same is made clear and manifest by the decision of the Justice in any trial. *Lastly*, if neither the innocencie of our Persons, condition of the Law, nor your own danger will persuade you, then do we request your *LL.* in the name of the eternal God, who standeth in your Assemblies, and judgeth among you, whose judgement ye execute, & before whom ye shall stand, & make account of your judgement, that ye would remember the terrour of that Lord, who hath said, *Wo to him that taketh away the righteousness of the righteous from him, and doth not deliver the oppressed; and who hath said, that Judgement mercilefs shall be given him, who sheweth no mercie.* That for removing of the plagues alreadie fallen, and for avoiding of the feveritie of his indignation threatned, & eschewing that endless damnation of that sentence of his wrath, to be pronounced in that last day, saying, *depart from me, ye cursed, into everlasting fire, which is prepared for the Devils & his Angels; for I was hungrie, and ye gave me no meat; I was in prison, and ye visited me not;* your *LL.* may be moved to shew mercie to us, his distressed members, who now in our need do cry for aid and relief; and humbly request, that we may be set at libertie, to serve our God in our calling, and pray for the peace of our King, his Children and Subjects. Thus humbly craving your *LL.* answer, and waiting for comfort, we recommend your *LL.* present Convention to the direction of him, in whom ye are, live and move.

Informations.

There are three grounds, which are sufficient in Reason and good Conscience, to move your *LL.* to pitie the distresse, to regard the cause of the distressed Ministers in ward, and to redresse their wrongs.

1. The equitie and lawfulness of their proceedings first & last, in the self, as agreeable to the Will of God, Lawes of the land, received and approved by custome and practice of the Kirk.

2. The wrong, which in their Imprisonment, judgement and Sufferings they have sustained, against good Conscience, & the Lawes of the Land.

3. The wrongous and sinistrous report, and information anent both their proceedings, and sufferings, made to his *Maj.* whereupon his *Highness* wrath hath been kindled, which otherwise vould not have been, if the simple Truth had been knowvn, and told.

1. The equitie of their Assembly appeared in three things. 1. In that they had the expresse direction of Christ and his Word, having their Authoritie from him, no lesse then the preaching of the Gospel; the one being no lesse necessarily required for Ruling, then the other for the Instruction of the Saints, & holy Obedience. If then the Ordinance of God, & directio n of his Word, can warrant a thing to be lawful, their Assembly must needs be lawful.

2. They are ratified by the Lawes of the Land; the As of Parliament not only declaring them to be most just, good and godly in themselves, *Parliament 12. Anno 1592.* but also Establishing the lawfulness & practice of them, every year once at least, & oftener as occasion serveth, Declaring, that

it shall be lawful to Ministers to hold a General Assembly *ibidem*. And farther; declareth, that there be no other Jurisdiction Ecclesiastical acknowledged within the Realme, then that which is and shall be within the same Kirk, *Parl. 6. Act. 2. 1597*. If then the Lawes can warrant a thing lawful, their Assembly must be Lawful.

They are appointed by the Kirk in this Land, as agreeable to Gods Word, as the book of Discipline beareth.

Against the Lawfulness of their Assembly, is objected. 1. The want of his *Maj.* consent. 2. His *Maj.* Charge, execute publickly in the contrain in *Aberdeen*. 3. The Councels Letter. 4. The Commissioners of the General Assembly their Letter. 5. *Laurestoun* the Kings Commissioner his opposition, together with their secluding of him. 6. The rarity of their number, who assembled.

To the *First* it is answered; they have the warrant of his *Maj.* consent, appointing that time and place of their Assembly, subscribed by the hand of *Laurestoun* his *Maj.* Commissioner, which they are able to produce.

To the *Second*; they are able, as of before, to purge themselves by their oaths, that no such thing ever came to their ears. 2. That the Laird of *Laurestoun* affirmed, at his meeting with them, that he had not used Charges, albeit he might have done. 3. That the same Letters were execute against them personally, and obeyed. 4. That they have oft desired to be heard for improving of the said Charge, but could never be heard. 5. That the Lawes free the judicatories of all contempt of such Charges, albeit they were execute against them personally, inhibiting the lawful proceedings of a lawful Judicature, according to the Law *James 6. Parl. 6. Act. 92.* and *Parl. 11. Act. Anno 1587*. It is provided, that executions, which are not betwixt eight in the morning and twelve in the day, importing tinfal of goods, shall be of no force. And it is true, that the said pretended execution is alledged to be after seven at night, as the indorsation beareth.

To the *Third*; the first part was obeyed, touching their dissolving. The Second touching the not appointing of a new day, was contrarie to the Law of the Land, *James 6. Parl. 12. Act. 114. Anno 1592*. And to the Discipline received and approved by this Kirk, as the book of Discipline beareth; and contrair to the Priviledge and Libertie of the Kirk; so oft ratified and confirmed in Parliament: And therefore could not be obeyed without a greater offence. Beside, it was but a privat Missive, which ought not import Rebellion nor Contempt.

To the *fourth* it is answered; First, it is against the expresse Act of the Kirk, that they should continue or alter the diets of the Assembly, as the Act made with his *Maj.* consent at *Halyrudhouse 1602*. proports; & so not to be obeyed. It was informal, without designation of a new day; & so also unlawful. 3. It was erroneous, pointing out the *fifth* day, which was not kept. 4. Diverse of them received it not till they were in *Aberdeen*. 5. The Presbyteries, that sent them, should answer therein; and not they; for they went not without the expresse command & Commission of the Presbyteries, to whom the Letters were directed.

To the *fifth*. 1. The Laird of *Laurestoun* consented to that meeting, convened with them, Authorized it by his concurrence. 2. Acknowledged the lawfulness and Authoritie of the Assembly, by presenting the Councels Letter, & requiring of them an answer thereto: & albeit in voting he would not condescend to some things; yet in reasoning he acknow-

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ledged what they did to be both lawful and expedient. 3. His greatest opposition was by way of protestation, that he did not acknowledge the Lawfulness of their meeting: And this he did not until all was concluded and ended. 4. As to the alledged secluding of him; it was but a meer calumnie.

To the *sixt* it is answered; in an Assembly of the servants of Christ, when the number is not prescribed, nor defined by a Law, it is not lawful to any to disallow thereof, for the number; seeing two or three convened in the name of Jesus, which are the smallest number, have the promise of his presence, who is their Lord & Ruler. Beside, rareness maketh not unlawfulness in an ordinarie meeting, established by Law and Practice. Lastly, all that was done, might lawfully have been done by a fewer number, Authorized with Commission, as they were: For continuation requireth not full Conventions.

The equitie of their Declining the Councils Judgement, is most evident. 1. By Law. 2. By Practice, First, lately of the Earle of Murray, secondly, by dayly custome in declining any one of the Lords upon just occasion: And it cannot be more unlawful upon just reason to decline the whole, then one. 3. By Reason.

It is evident by Reason. 1. Because otherwise should follow a miserable confusion of Judicatories, specially of Civil and Ecclesiastick, which by Nature, Law & Practice ought to be distinguished; which hath been observed inviolably, in all reformed Kirks and Commonwealthes, and in this Kirk and Kingdom to this day, according to the Word of God, and Institution of Christ, who being only Head & King of his Kirk, to whom alone the soveraigntie of Judgement therein belongeth, hath given the Power of the Keyes, and Ministerial Judgement of all Spiritual things, to the Spiritual Judicatories allanerly; according as was acknowledged by his Maj. at Perth, in the Convention of the Estates in March 1596. In admitting the Protestation of the Kirk, and causing insert it in the Books of Council; wherein they protested, that they did not acknowledge themselves to be a Judicatorie with the Estates; neither yet that they submitted any matter, either of Doctrine, or Discipline, to their judgement, they no wayes being Judges competent thereof: But that they reserved, and would reserve the Judgement thereof to the Assembly of the Kirk. 2. The rest of the judicatories were idle and superfluous, if in no matter the Council might be declined. 3. The Council should have no lesse Authoritie in the Spiritual Government of the house of God and his Kirk, then in Ruling the Commonwealth. So they should be one Judicature, both Spiritual and Civil; which cannot be. 4. The Councils Authoritie should be extended, as far as his Maj. which they will not alledge: Yea farther, as far as all Authoritie both Spiritual and Temporal; which is absurd.

It is *Objected*. 1. That they declined his Maj. 2. That they declined the Council *simpliciter*, and so refused all submission to them. 3. That it was not for the lawfulness or unlawfulness of their Assembly; but for contempt in assembling at such a place, and such a time, being inhibited.

To the *First* it is answered; they never declined his Maj. but the Council allanerly: for they were not summoned before his Maj. but before his Council only. Neither ever secluded they his Maj. from the Judgement of the cause, in the General Assemblie, being present: Albeit in

his Council, or by them; he might not Judge of that matter, it being Spi-
ritual.

To the *Second*, their supplication given - in before the Declinature, containing the Reasons thereof, doth witness the contrair; it bearing an humble submission of themselves to the Council, in things wherein they are appointed judges over them as Subjects. And albeit the word *simpliciter* be in the Declinature, yet ought it not; neither can it (except maliciously) be extended farther, then to that action, that is in hand, wherein indeed *simpliciter* they Declined the Council, as no wayes judge competent to that particular.

To the *Third* it is answered, that the summons bear plain witness of the contrarie; the conclusion bearing, to hear and see their Assembly declared and decerned unlawful, which was the Action, and the other only used as a mids to infer the Conclusion. The Councils decreet beareth the same, which beareth expressly, condemning the Assembly to be unlawful.

The wrongs which they have sustained in their Imprisonment, Suffering and Judgement, and by sinister report to his *Maj.* are these.

In their *imprisonment*. 1. That being his *Maj.* free lieges, and servants of the living God in his Ministrie, they were imprisoned, being neither suspect of Treason, called, accused nor convicted for any crime or offence against the Lawes, and *indicta causa* punished. 2. That they offered suretie to be answerable to the lawes; whensoever they should be charged, that they might be free of prison; albeit no crime was laid to their charge. 3. That they offered to improve the pretended execution, given in against them by *Laurestoun*; but were rejected. 4. That having entered in ward at the Councils command, they were after denounced to the horne.

In their *sufferings*. 1. Notwithstanding of their innocencie, their calling, the weakness of some of their Persons, they have been more rigorously dealt with, and restrained in harder manner, and in a more strait Prison, then most heinous malefactor ever were in this Land, being oft times separated from others, and from all friends, sight of the sun, and use of the air. 2. That being in most evident danger of the plague, at the gates where they were; not without suspicion within, their humble suit to be transported to any other ward, where they might be in more safety and securitie, was repelled; and they exposed to the danger of the plague. 3. That hitherto having most humbly requested, that they might be set at libertie, or then suffer such punishment as, by the law or good Conscience, might be inflicted upon them, they could obtain neither. 4. That having offered to abide the censure of the General Assembly, and be subject to their judgement; yet this could not give contentment nor satisfaction, unlesse against Conscience they would condemn by their Judgements their own proceedings; which by Law could not be gotten controlled.

In their *judgement*. 1. That upon sinister report, they being neither reked, nor heard, an Ordinance was made in Council to denounce them to the horne. 2. In that they were caused stand and compear before the Council, in a matter Ecclesiastical. 3. In that their Supplication, so agreeable to the lawes & equitie in the self, was rejected. 4. That they did finde themselves Judges by vertue of that Act *Anno 1584*. Notwithstanding of the Posterior Act *1592*. and pronounced a decreet, notwith-

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standing of their Declinature, in a matter permitted to their judgement, upon the 24. of *October*. 5. That by their decree, they both abrogated the liberty and freedom of Jurisdiction, ratified by his *Maj.* and Estates to the Kirk, and also condemned it as unlawful, which by the Acts of Parliament is approved, and permitted as lawful; yea most just, good & godly in the self. 6. That without warning or premonition, they were brought upon the tenth of *Januar* to the barre, to answer in a matter concerning their life. 7. That they offering to annul their Declinature, providing the Council would annul their decree, & proceſſe led against them at *Edinburgh*; it was refused. 8. That their Procurators were not called to speak for them according to the law, albeit the Justice was required so to do. 9. That the partie, that is, the Council, whom they had declined, was also their judge. 10. That they were accused for Declining his *Maj.* and his Royal Authoritie; whereas they only declined the Council; and that not *simpliciter* except in that cause. 11. That to decline the Council was laid to their charge, as a point of Treason, which, as it is most unequitable, so it is a most perillous and dangerous preparative against the whole Land. 12. They humbly requesting to be suffered to passe, and to advise with the Presbyteries and Synods, which sent them, anent the taking up of their Declinature, upon surety either to returne answer to their contentment, or to enter themselves again in ward, to be answerable to the law; it was refused. 13. That they having by their declaration, dictated by them, and written by the Clerk to the Justice, cleared themselves sufficiently to the Consciences of all men, of the crime laid to their charge; yet an interloquutor was pronounced against them. 14. That the said interloquutor, howbeit the matter was of great weight, was not formally voted, but by secret rounding collected and pronounced. 15. That it was pronounced as agreed on by the whole Assessors, albeit it be of Truth, that some made opposition in the mean time. 16. That no reason, howbeit most evident, clear and solid, had place; but all that could be said was *simpliciter* repelled. 17. That the matter was not reasoned in presence of the Assise, conform to the Law; the most part of them being unentered in the place of Judgement; till they were called to be sworne, and enclosed. 18. That the most part of the Assise were men utterly ignorant of such matters, and almost all enemies to the Truth of God, and Profession, others profane Atheists and ungodly livers. 19. That according to the Advocat's speech to the Assise, the crime was not tried, whether they were found to have committed Treason; seeing the Assise was willed to cognosce, and make inquest of no more, but that they had declined, in respect the Justice and Lords had already found it treasonable. 20. In that the Assise was not enclosed alone, & so kepted, but others had access unto them, and some of them also came out, and spake with the Justice and Lords, contrair to the Law. 21. That they were not absolved, having in all evidence, to the sight of all men, justified themselves, as free of all undutifulness, let be of Treason, to his *Maj.* and Council. 22. That albeit they had been guiltie of treason, which the Lord forbid; yet they were not absolved, conform to the Law in such respects, as the out-coming of the Assisers, or bringing-in of any to them.

By sinistrous report to his *Maj.* 1. That they should have abused the Laird of *Laurestoun*, & overseen their dutie toward him, in their Assembly, in putting of him to the door, & secluding of him. 2. In that they

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are alledged to have condemned his *Maj.* Charge given publickly, which is a meer forgerie. 3. That they should have made all their Actions meerly Spiritual of whatsoever sort they were; and *simpliciter* to have disclaimed themselves from subjection to his *Maj.* and his Council, by their Declinature, it being known to all, that in neither of these, besides any other things laid to their charge, have they done anything against their dutie, either in reverence, or submission to his *Maj.* or Council; which they owe to his *Hightness* or your *LL.*

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The answer that they received severally of the Estates, was, that they were sufficiently informed, but could not help them.

The Commissioners from Presbyteries perceiving, that there was much business for the advancement of the Estate of Bishops, they revise the Protestation, penned by *Mr Patrick Simpsone* Minister at *Stirling*, and after thought good to urge the Commissioners of the General Assembly, to present it to the Lords of the Articles: Because it was their dutie to deal, in the Common affairs of the Kirk, at Parliament, and the Lords would hear none other. When the Commissioners of the General Assembly understood, that the Lords of the Articles were treating upon the Erection of the Estate of Bishops, and Confirmation of their gifts, they desired to be heard, which was refused: then they gave in the Protestation of their Brethren in writ, which was also rejected by Chancellour *Setoun*, in name of the rest, who said, they had direction so to do; and said, they would admit Bishops to the Estate they were in, threescore years since, without Cautions or Limitations. It was therefore thought meet, that a copie of the Protestation should be presented to every Estate, as they sat severally, & to the special Noblemen. The tenor followeth.

The Ministers forced to protest.

The Protestation, offered to the Estates, conveyed in Parliament at Perth, in the beginning of July 1606.

The earnest desire of our hearts is to be faithful, and in case we would have been silent and unfaithful, at this time, when the undermined Estate of *Christ's Kirk* craveth a dutie at our hands, we should have locked-up our hearts with patience, and our mouthes with taciturnitie, rather then to have impeached any with our admonition. But that which *Christ* commandeth, necessitie urgeth, & dutie wringeth-out of us, to be faithful Office-bearers in the Kirk of God, no man can justly blame us to do it: providing we hold ourselves within the bounds of that Christian Moderation, which followeth God without injurie done to any man, specially those, whom God hath lapped-up within the skirts of his own honourable stiles and names, calling them, Gods upon earth.

Now therefore (*my Lords*, conveyed in this present Parliament, under the most high and excellent *Maj.* of our dread Sovereigne) to your Honours is our exhortation, that ye would endeavour with all singleness of heart, love and zeal, to advance the building of the house of God, reserving alwayes into the Lords own hands that Glorie, which he will communicate neither with man nor Angel, to wit, to prescribe from his holy mountain a lively pattern, according to vvhich his own tabernacle should be formed. Remembering alwayes, that there is no absolute & undoubted Authoritie in this vvorlde, except the Sovereigne Authoritie of *Christ the King*, to vvhom it belongeth as properly to rule the Kirk, according to the good pleasure of his own will, as it belongeth to him to save his Kirk by the merite of his

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ovvn sufferings. All other Authoritie is so intrenched within the marches of divine Commandment, that the least over-passing of the bounds set by God himself, bringeth men under the fearful expectation of temporal and eternal judgements. For this cause, *my Lords*, let that Authoritie of your meeting, in this present Parliament, be like the ocean sea, which, as it is greatest of all other vvaters, so it containeth the self better vvithin the coasts & limits appointed by God, then any rivers of fresh running vvaters have done.

Next, remember, that God hath set you to be nourishing-fathers of the Kirk, craving of your hands, that ye vvould maintain and advance, by your Authoritie, that Kirk, vvhich the Lord hath fashioned by the uncoun-terfited vvork of his ovvn nev creation, as the Prophet speaketh, *He hath made us, and not we ourselves*; but not that ye should presume to fashion and shape a nev pourtraiture of a Kirk, and a nev form of Divine service, vvhich God in his Word hath not before allowed: Because, that were to extend your Authoritie further, then the calling, ye have of God, doth permit: As namely, if ye should (as God forbid) Authorize the Authoritie of Bishops, and their preeminence above their Brethren, ye should bring into the Kirk of God the Ordinance of man, and that thing which the experience of preceeding ages hath testified to be the ground of great idleness, palpable ignorance, unsufferable pride, pitiless tyrannie, and shamelesse ambition in the Kirk of God. And finally, to have been the ground of that Antichristian Heirarchie, which mounted up on the steps of pre-eminence of Bishops, until that man of sinne came forth, as the ripe fruit of mans wisdom, whom God shall consume with the breath of his own mouth. Let the sword of God pierce that bellie, which brought forth such a Monster; and let the staffe of God crush that egg, which hath hatched such a Cockatrice. And let not only that Roman Antichrist be thrown down from the high bench of his usurped Authoritie; but also let all the steps, whereby he mounted up to that unlawful preeminence, be cut down, and utterly abolished in this Land.

Above all things (*my Lords*) beware to strive against God, with an open and displayed banner, by building up again the Walls of *Jericho*, which the Lord hath not only cast down, but also hath laid them under an horrible interdiction and execration; so that the building of them again must needs stand to greater charges to the builders, then the reedifying of *Jericho* to *Hiel the Bethelite*, in the dayes of *Achab*: for he had nothing but the interdiction of *Ioshua*, and the curse pronounced by him, to stay him from building again of *Jericho*. But the Noblemen, and States of this Realme, have the reverence of the Oath of God, made by themselves, and subscribed with their own hands, in the Confession of faith, called the *Kings Majestie's*, published offer then once or twice; and subscribed and sworne by his most excellent *Maj.* and by his *Higheſt Nobilitie*, *Eſtates*, and whole Subjects of this Realme, to hold them back from setting up the Dominion of Bishops. Because it is of veritie, that they subscribed, and swore the said Confession, containing not only the maintainance of the true Doctrine, but also of the Discipline, professed within the Realme of *Scotland*.

Conſider alſo, that this work cannot be ſet forward, without the great ſlander of the Goſpel, defamation of many preachers; and evident hurt, and loſſe of the peoples ſoules, committed to our charge. For the people are brought almoſt to the like caſe, as they were in *Syria*, *Arabia* and

Egypt.

Egypt, about the 600. year of our Lord, when the people were so brangled and shaken with contrarie Doctrines, some denying, & others allowing, the opinion of *Eutiches*; that in end they lost all assured persuasion of true Religion; & within short time thereafter, did cast the gates of their hearts open to the Peril, to receive that Vile & Blasphemous Doctrine of *Mahomet*; even so the people in this Land are cast in such admiration to hear the preachers, who damned so openly this stately preeminence of Bishops, and then within a few years after accept the same Dignitie, Pomp and Superioritie in their own Persons, which they before had damned in others; that the people know not what way to incline; & in end will become so doubtful in matters of Religion & Doctrine, that their hearts will be like an open taverne doore, patent to every guest, that likes to come in.

We beseech your *Honours* to ponder this, in the Ballance of a godly & prudent minde, and suffer not the Gospel to be slandered by the behaviour of a few number of Preachers, of whom we are bold to affirm, that if they go forward in this defection, not only abusing, & appropriating the name of Bishops to themselves only, which is common to all the Pastors of Gods Kirk; but also raking upon themselves such Offices, that carrie with them the Ordinarie charge of Governing the civil affairs of the Countrey, neglecting their Flocks, and seeking to subordinat their Brethren to their Jurisdiction. If any of them (we say) be found to step forward in this cause of defection, they are more worthie as rotten members to be cut off from the bodie of Christ, then to have Superioritie and Dominion over their Brethren, within the Kirk of God.

This pre-eminence of Bishops is that *Dagon*, which once alreadie fell before the ark of God in this Land, & no band of iron shall be able to hold him up again. This is that pattern of that altar brought from *Damascus*, but not shewed to *Moses* in the mountains; and therefore it shall fare with it, as it did with that altar of *Damascus*; it came last in the Temple, and went first out. Likewise the Institution of Christ was anterior to this pre-eminence of Bishops, & shall consist & stand within the house of God, when this new fashion of Altar shall go to the doore.

Remember (*my Lords*) that in times past your Authoritie vvas for Christ, and not against him; ye folloved the light of God, and strived not against it; and like a child in the mothers hand, ye said to Christ, *Draw us after thee*. God forbid, that ye should novv leave off, & fall avay from your former reverence borne to Christ, in presuming to lead him, vvhom the Father hath appointed to be leader of you. And far lesse to trail the holy Ordinances of Christ, by the cords of your Authoritie, at the heeles of the Ordinances of men.

And albeit your *Honours* have no such intention to do any thing, vvhich may impair the honour of Christs Kingdome; yet remembers, that Spiritual darkness, flowing from a very small beginning, doth so insinuat and thrust it self into the house of God, as men can hardly discern by what secret means the light was dimmed, & darkness creeping in got the upper hand; & in end at unawares all was involved within a mistie cloud of horrible Apostasie.

And least any should think this our admonition out of time, in so far as it is statute and ordained alreadie by his *Maj.* with advice of his Estates in Parliament, that all Ministers, provided to Prelacies, should have Vote in Parliament; As likewise the General Assembly (his *Maj.* being present thereat) hath found the same lawful and expedient. We would

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humbly and most earnestly beseech all such, to consider *first*, that the Kingdom of *Jesus Christ*, the Office-bearers & Lawes thereof, neither should, nor can suffer any Derogation, Addition, Diminution, or Alteration, besides the prescript of his holy word, by any inventions, or doings of men Civil or Ecclesiastical. And we are able by the grace of God, & will offer ourselves to prove, that this Bishoprick to be erected, is against the Word of God, the ancient Fathers, & Canons of the Kirk, the modern most learned and Godly Divines, the Doctrine and Constitution of the Kirk of *Scotland*, since the first reformation of Religion within the same Countrey, the Lawes of the Realme, ratifying the Government of the Kirk by the General and Provincial Assemblies, Presbyteries & Sessions; also against the well and honour of the Kings most excellent *Maj.* the well and Honour of the Realme, and quietness thereof; the established Estate and well of the Kirk in the Doctrine, Discipline, and Pacification thereof; the well and honour of your *LL.* the most ancient Estate of this Realme. And finally against the well of all, & every one the good Subjects thereof, in soul, bodie and substance.

Next, That the Act of Parliament, granting Vote in Parliament to Ministers, is with a special provision, that nothing thereby be derogatorie or prejudicial to the present established Discipline of the Kirk, and jurisdiction thereof in General and Synodal Assemblies, Presbyteries and Sessions.

Thirdly & lastly, the General Assembly (the King *Maj.* sitting, voting & consenting therein) fearing the corruption of that Office, hath circumscribed & bounded the same with a number of Cautions. All which, together with such others as shall be concluded upon by the Assembly, were thought expedient to be insert in the bodie of the Act of Parliament, that isto be made for confirmation of their Vote in Parliament, as most necessarie & substantial parts of the same. And the said Assemblie hath not agreed to give thereunto the name of Bishops, for fear of importing the old Corruption, Pomp & Tyrannie of Papal Bishops; but ordained them to be called, Commissioners for the Kirk to Vote in Parliament. And it is of veritie, that according to these Cautions, neither have these men, now called Bishops, entered to that Office of Commissionarie to Vote in Parliament, neither since their ingyring, have they behaved themselves therein. And therefore, in the name of the Lord *Jesus Christ*, who shall hold that great Court of Parliament to Judge both the quick & the dead, at his Glorious manifestation; and in name of his Kirk in General, so happily and well established within this Realme, and whereof the said Realme hath reaped the comfortable peace and unitie, free from heresie, schisme dissension these 46. years bypast; also in name of our Presbyteries, from which we have our Commission, and in our own names, Office-bearers and Pastors within the same, for discharging of our necessarie dutie, and disburdening of our Consciences in particular, *We Except and Protest* against the said Bishoprick, and Bishops, & the Erection, Confirmation or Ratification thereof at this present Parliament. Most humble craving, that this our Protestation may be admitted by your *Honours*, and Registrat among the Statutes and Acts of the same, in case (as God forbid) these Bishopricks be erected, ratified, or confirmed therein.

This protestation was subscribed by the Ministers, whose names follow

Mrs A. Melvine, Ja. Melvine, Will. Scot. Ja. Ross, John Carmichael, Jo. Gillespie, William Areskeen, Col. Campbell, James Muirhead, Jo. Mitchel, Jo. Davidstone, Jo. Coldon, Jo. Abernethie, James Davidstone, Adam Bannatine, John Row, William Buchanan, John Kennedie, John Ogilvie, John Scringgeour, John Malcolme, James Burden, I. Blackfurde, I. Strauchan, James Row, William Row, Robert Merfer, Edmond Myles, John French, Patrick Simpstone, John Dykes, William Young, William Couper, William Keith, H. Duncan, Ja. Merfer, Robert Colvil, William Hog, Robert Wallace, David Barclay, John Weemes, William Cranston.

Three of this number, to wit, *Mr Adam Bannatine, Mr William Couper & Mr John Abernethie*, within few years after the subscribing of this protestation, accepted Bishopricks in their own Persons, whom we shall remember after severally, in their own places.

Much was promised by the Commissioners of Burghes and Barones, when they were convened apart, but the most part were drawn one way or other to the Kings course. There rested only a Protestation to be made in publick, upon the last day of the Parliament, which was the most solemne day; and this was underwritten by *Mr Andrew Melvine* and some others. *Mr Andrew Melvine*, after he had gotten entrie into the Parliament house, not without great difficultie, stood up to speak and protest. But how soon he was espied, one was sent to him to command him to depart; which notwithstanding he did not, till he had made his minde known.

A purpose
to protest
in publick.

A paction was made betwixt the Lords, that had the Kirk rents, and the Bishops. So the Lords consented to the erection of Bishops, & confirmation of their new gifts. The Bishops againe consented to the erection of seventeen Prelacies, & consequently not only defrauded the Kirk of a great part of her rents, but also of so many votes in Parliament, which they pretended before they were seeking for Ministers to Vote with them, in name of the Kirk. Yet had they an intention at the same time, to stir up the King afterward to revoke these erections, whereof they gave a proof many years after. Such was their teacherie both against God & man.

At this Parliament, the Earles and Lords were clothed in red scarlet. It is constantly reported, that *Dumbar*, Bishop of *Aberdeen*, said at the breaking-up of the Reformation, that the red Parliament at *St Johnstoun* should mend all again. And indeed defection did ever grow there after, & it was like to end in Poperie. The first day of the Parliament ten Bishops rode, two and two, betwixt the Earles and the Lords. But the last day, they would not ride; because they got not their own place, that is, before the Earles, and next to the Marqueses; but went on foot to the Parliament house. This made the Noblemen to take up their presuming humours; & to dislike them, as soon as they had set them up; and to fear their own thraldom by time.

The *First* Act of this Parliament, concerning the Kings supremacie, was kept a long time so close, that the extract of it could not be had. The year following the oath was published in print, as followeth.

1606.
Oath of
the Kings
Suprema-
cie.

I. N. For testification of my faithful obedience to my most gracious and redoubted *James* King of great *Brittaine*, *France* and *Ireland*, Defender of the Faith, affirm by this my solemne Oath, testifie and declare, that I acknowledge my said Sovereigne only Supream Governour in this Kingdome, over all persons, and in all causes; and that no forreigne Prince, Power, State or person, either Civil or Ecclesiastick, hath any Jurisdiction, Power or Superioritie over the same. And therefore I do utterly renounce, and forsake all forreign Jurisdctions, Powers and Authorities; and shall at my utter power defend, assist and maintain his *Maj.* jurisdiction foresaid, against all deadly, and never decline his *Maj.* Power or Jurisdiction, by this my Oath upon the holy Evangel. So help me God.

The *second* Act of this Parliament concerneth the restitution of the State of Bishops to their ancient, and accustomed Honours, Dignities, Prerogatives, Privileges, Livings, Lands, Tithes, Rents, Thirds & Estates, as the same was in this reformed Kirk most amply and free, at any time before the Act of Annexation, that the persons, provided to the Bishopricks, may freely and peaceably enjoy and possesse the Honours, Dignities, Prerogatives, Priviledges competent to them, or to their Estate, since the Reformation, and all Towers, Fortalices, Lands, Kirks, Tithes, Rents, two part Thirds, Patronages, and Rights whatsoever, belonging to the Bishopricks; they alwayes intertaining the Ministers, serving the cure at the Kirks of their Bishopricks, upon the readiest of their thirds, according to the ordinarie Assignations made, or reasonably to be made thereanent.

In the narrative of this Act, the Estates acknowledge the King to be Sovereigne Monarch, absolute Prince, Judge and Governour over all Estates, Persons and Causes, both spiritual, and temporal, within this Realme.

In the *third* Act it is ordained, that no Bishop set in few, tack, or otherwise dispoone, any part of the patrimonie of their Bishopricks, without the advice, consent and assent of their Chapters, or the greatest number of them, duely procured and obtained thereto; and that the said Chapters remain now, and in all time coming, according to the foundation of the said Bishopricks, and as hath been in times bygone, without any kinde of alteration, except in the Chapter of the Archbishop of *St Andrews*, the alteration whereof, &c. Chapters, were erected as well as Bishops, and that without consent of the General Assembly, which before had abolished as well Chapters as Bishops.

At this Parliament was granted a Taxation of four hundred thousand Merks. None so readie to grant, as the new Bishops, the Kings Creatures.

The verification
of the Protes-
tation.

The verification of the points, offered to be proved in the Protestation abovewritten, is extant in the Book already printed, entituled, *The course of Conformitie*. And therefore I will contract it, keeping the substance.

The *first* point, that this new sort of Bishops have an office, not warranted by the Word: and the *second*, that it is contraire to the ancient Canons of the Councils: and the *third*, that it is against the Doctors both ancient and modern, I passe by: because they are already handled in the year 1599. and 1600.

That such a Bishoprick is against the Doctrine of the Church of *Scot-*

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land, preached these 46. years, the Author appealeth to the testimonie of such, as have heard *Mr Knox, Mr Craig, Mr Willocks, Mr Goodman, Mr Larvson, Mr Rovv, Mr Ferguson, Mr Arbuthnot, Mr Rollock, Mr Davidstone, Mr Pont*, and other Godly and learned men, who with their powerful Doctrine, and sounding from Pulpit, joyned their travel to bear down that Popish Corruption, till the Kirk was utterly purged of it; and left the true Discipline, and Government of the Kirk well and firmly established; the comfortable benefite whereof our Kirk hath enjoyed, till these late dayes. Yea these new named Bishops have been heard to preach and professe the same veritie; howbeit now craftily, holding both Kirk and Court in hand, they are like so to proceed, that in end they will act plainly the part of *Demas*.

That this new Office is contraire to the Confession of Faith, called the *King's Confession*, sworn and subscribed anno 1581. and again anno 1590. by his *Maj.* his *Queen* and Household, twice printed with priviledge, and translated in sundrie languages. If any doubt, what was the Discipline of the Kirk of *Scotland*, at the time of the first subscribing and swearing of that Confession, let them seek the Register of the General Assembly, holden at *Glasgow*, to which it was presented, together with a platform of the whole Presbyteries, to be established throughout the Realme; by the Laird of *Caprintoun*, Commissioner for his *Maj.* to the said Assembly anno 1581. they shall finde, that the Office of Bishops was fully abolished, in the Assembly holden at *Dundie*, in the year preceeding. So that without question, the Discipline meant, is the Discipline exercised by Presbyteries, Synods and General Assemblies, which is directly opposite to the tyrannie of Bishops, and was ratified after the second subscribing in the year 1592. Therefore the subscribers and swearers, if they should (as God forbid) go about to set up Bishops and Episcopal Government, they could not eschew the crime of horrible Perjurie, execrable Apostasie, and most cursed repairing of *Jericho*. These same persons, who now would be Bishops, have once or twice subscribed this Confession: it is strange then with what forehead they can prease to the contraire.

That this Office is against the constitution of the Kirk of *Scotland*. In the General Assembly convened at *Edinburgh* in *March* 1572. Sess. 7. *Mr John Spotswood* Superintendent of *Lothian*, gave in this Article. It is neither agreeable with the Word of God, nor the practice of the primitive Kirk, that the Spiritual Administration of the Word and Sacraments, and the ministration of civil and criminal Justice, should be confounded, that one person may occupy both the cures. Whereupon the Assembly refused the Earle of *Mortoun* then Regent his desire, to make Ministers, Sessioners in the Colledge of Justice. The corruption of the Estate of Bishops was more and more espied, till it was alluterly damned, and a special Act made thereupon, in the Assembly 1580. The year following a form of establishing Presbyteries within the Realme; was sent to the Assembly convened at *Glasgow* from his *Maj.* and Commissioners were appointed both by his *Maj.* and the General Assembly, to plant Presbyteries in all parts convenient. In the Assembly holden in *August* 1590. all Commissioners from General Assemblies appointed for Visitation of Provinces, were ordained to cease, where Presbyteries were planted, to root out all danger of Tyrannie, and Authoritie of sole Government within the Kirk. And that because they perceived that sole government to be against the Word of God; and that Christ had ordained

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his Kirk to be ruled by the common Care & Councel of Pastors, Doctors, Elders and Deacons, lawfully called in their Meetings and Assemblies. Farther, when the Assembly yeelded to the voting of Ministers in Parliament, they set down many Cautions, which the new Lord Bishops have not kept.

That this Office is against the Lawes of the Realme, against the Acts ratifying the freedome and libertie of the true Kirk, and Religion publickly professed within this Realme, and in special the Act made *anno* 1567. & in *October* 1579. and in *October* 1581. and in *July* 1587. but most of all the first Act of Parliament, holden in *June* 1592.

That it is against the Honour of God, and his Christ: for it maketh men follow the world, to root-out that which Christ's Servants have planted, even the sinceritie of the Gospel, and freedome of his Kirk, brought to such a perfection, and so well established; to seek, with the Scribes and Pharisees, the glorie of men, to flatter men, and anoint the filthie flesh with wealth and earthly honours; to make Christs holy Ministrie to be loathed, as the Sonnes of *Ely* did the Lords Ministers and Offerings.

That it is against the Kings honour and well. It is his honour to stand fast to that Confession of Faith, sworne and subscribed by his *Hignesse*, and his Subjects. Is it not his honour and well to have the hearts of all sincere Professors in *Europe*, readie to spend their blood for the safety of his Person, and stabilitie of his Estate? Is it not his well to be safe from the falshood, flatterie and crueltie of ambitious and avaritious men, whose avarice and ambition have brought so many notable Emperours, Kings & Princes, to tragical ends, and have overthrown flourishing Commonwealths? This venome and poison of humane Episcopacie, degenerating into Satanical, hath filled the Ecclesiastical storie with such effects.

That it is against the honour & well of the Realme. *Scotland* was never comparable in wealth and worldly honours to many other Nations. The Evangel was the Crown of her glorie, & set this Realme above all the Nations and Kingdoms of the Earth: shall they choose them other Captains, then *Moses* and *Aaron*, and contemne their lawful Priests and Levites? Episcopal *Hierarchie* is very Papistrie, and spiritual *Egypt*, to which these new Bishops would lead them back again. It maketh the Kingdome of Christ to be of this world, and turneth the spiritual wil-dome of God into outward toys and ceremonies, bringing-in the pomp of the world into the Kirk of God. If this Bishoprie be admitted again, lost is our honour, and gone is our garland of spiritual glorie for ever. The first assay of their service in Parliament to God, the Kirk and Commonwealth, is not to be forgotten, in giving their votes to the creation of seventeen Prelacies into temporal Lordships, that they might attain to thirteen roused and dilapidat Bishopricks.

That it is against the settled Estate of the Kirk and Kingdom, and so most dangerous. It is a maxime approved by experience, *Quod omnis mutatio reipublice est periculosa, etiamsi in melius; how much more in deterius?* The Popish *Hierarchie*, and usurpation of both the Swords, hath brought the Roman Empire, and all Kingdoms, & Commonwealths, that have not resisted the same, to vile servitude in their soules, bodies and goods; and those, who have cast off that yoke, have been involved in bloodie battels, and have had much ado to keep themselves safe

from

from the craftie and cruel practices of ambitious and avaritious Churchmen. Shall these cockatrice eggs be hatched of new in our Kingdome, whereof all Kings, Kingdoms and Estates, that have eaten thereof, are in spiritual and temporal slavery? Such as have felt the sparks of their fire, do cry as if they were stung with a viper. Must the walles of our *Troy*, which were builded by the finger of our God, be demolished, and we with our own hands hale-in that devillish *Gracian Horse* within the Lords Citie, to set all on fire? O mad folly! O terrible judgement, for the contempt of the Gospel, and abuse of the freedome thereof!

That it is against the honour and well of the Estates. Set me up these Bishops once (called long since, the Princes led-horse) nothing, never so unlawful or pernicious to the Kirk or Countrey, if it shall be borne forth by the countenance of Authoritie, terrour and endeavour of a King, but it shall be carried through by his Bishops in Parliament, and the rest of the Estates shall be as ciphers. They have their Lordships, livings, honpou, estimation, profit and commodity from the King, as other States have not. The King may set them up, and cast them down; give them, and take from them; put them in, and put them out, at his pleasure. Therefore they must be at his direction: and he may deal with them without Law; because they are set up against Law. Other Estates have either heritable standing in their rooms, by the fundamental Lawes, or a commission only from the Estate that sent them, as from the Burgesses or Barones. The Ecclesiastical Estate, once being depraved, which hath knowledge and learning beyond others, and is supposed to be of best conscience, because so it should be, the rest will easily be miscarried; and that so much the more, that the Officers of Estate, the Lords of Session, the Judges, and Lawyers, that have their Office of the King, are commonly framed after the affection of the Court. And there are others, that, for commoditie or advancement, may be easily corrupted; and so nothing shall passe in Parliament, but by the Bishops, and that faction. Yea, let the Officers of Estate take heed to themselves, that these new Prelats, as covetous and ambitious as ever were those of old, insinuating themselves by flattery and obsequiousness in the Princes favour, attain not to the bearing of these offices, and exercising the same as avariciously, imperiously and rigorously, as ever did the Papistical Prelats. For as the holy Angels of light, being depraved, became most craftie, cruel and wicked Devils; so the most learned Pastors, being perverted, and poisoned by that old Serpent, with avarice and ambition, become most false and cruel; as experience hath proved in all ages.

That it is against the well of all true Scottish men, in soul, bodie and goods. It shall either take away all true Religion and sinceritie, or else the fruitful use of it. If a Popish or profane Prince arise, they must obey him, or lose their places, which they will not do: because they have already given their consciences, honestie, truth and credit before man, as a price, for honours, riches, pleasures. Put case, true Religion stand, what care will they have of feeding of soules, that have sold their own for the world? All their care and travel must be to keep Court, to please the King, to acquire and conserve more plentie of goods, more honours and pleasures. Inferiour Ministers, for the most part, will follow their fashions, so that there shall be nothing in the Countrey, but Atheisme Licentiousness and Profanity. Discipline, being put in the hands of Bishops, they will make merchandice of it, or let loose the raines of it,

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in favour of this or that great man, of this or that Courtier: For such have ever been men-pleasers. They dare not displease others by the execution of Discipline, lest it should strike upon themselves, commonly more guiltie and slanderous, then any other. If any succeeding Prince please to play the tyrant, and govern not by Lawes, but by his own will and pleasure, signified by Missives, Articles and Directions, they shall never admonish him, as faithful Pastors; for such they are not, having no lawful Calling nor Authoritie from God and his Kirk: But as they are made up by man, they will flatter, pleasure and obey men. As they stand by the Princes affection, so will they by no means Jeopard their standing; but be readiest of any to put his will and pleasure in execution, suppose it were to Apprehend, Imprison, Banish such as stand for the Lawes, & freedome of the Realme. Unlessse men, of whatsoever rank & degree, give them their stiles, places and salutations, they shall not misse to be crossed by them in their affairs, & traduced at Court by them, or their means. Their company and train shall be an example of riot and excesse. The Bishop in his own Citie, and among his Vassals, will think himself a pettie Roy. Who dare deny to lend, give, or serve him with whatsoever they have. If he do, cannot they, and their Lawyers, Domesticks, & Dependents devise the way, how to draw him within danger of the Lawes; and then his estate falling in the Bishops hands, he shall certainly be pilled and polled. Finally, it is alreadie too manifest, that if the Prince be prodigal, or would enrich his Courtiers by taxations, & imposts laid upon his Subjects, vvho have been, or shall be so readie to satisfie his desire in Parliament, as those, vvho are set up for that and the like service?

Whether this verification penned by *Mr James Melvine*, for proof of that vvhich vvvas undertaken in the Protestation, may be rightly called a verification, Experience shortly thereafter made it manifest.

Spotswood
deleareth
the Chan-
cellour.

Mr John Spotswood Bishop of *Glasgow*, delated Chancellour *Seton* to the King, taking hold of some speeches uttered by the Chancellour to *Mr John Forbes*, when the said *Mr John* compeared before the Council, a little after the Assembly at *Aberdeen*. For when the Chancellour alledged, they had not kepted promise to him; *Mr John* answered, that he had kepted promise as faithfully, as any that ever his Lordship dealt with in this life. Whereupon Bishop *Spotswood*, conceived there was some dealing betwixt them before that Assembly.

The King and the Earle of *Dumbar* dealt with *Mr John Forbes* to be the Chancellour's accuser; but prevailed not. The Prince and the Earle of *Salisbury* imployed their credit to the uttermost for the Chancellour. Whereupon the King sent a Declaration of his will to the Earle of *Dumbar*, that he would not have the Chancellour convicted, howsoever the matter were cleared. The Earle of *Dumbar*, perceiving the King changed, was loath to lose the Chancellour: Therefore entered secretly in paction with him.

The General
Assembly
continued.

In the time of the last Parliament, the Commissioners from Presbyteries moving the Commissioners of the General Assembly to convene, offered to prove, that the Bishops had broken all the Caveats, both in the entrie to their Bishopricks, and in their behaviour since their entrie. They answered, there was an Assembly to be holden at *Dundie*, the last Tuesday of that instant of *July*. Their answer appeared not to be upright: For soon after the rising of the Parliament, the Assembly is continued till

May

May following, that is, for a whole year: yet the time was prevented, that Ministers might be surpris'd with a Convention, which was holden in December, when the eight Ministers, written-for to Court, were absent.

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The eight Ministers written-for were all at London, before the end of August. Mr George Gladstones, after their departure, informed the Presbyterie of St Andrews upon the 24. of August, that he was sent for by his Maj. and asked wherein they would imploy him. They charged him, as he would answer to God, that neither directly nor indirectly he do any thing in prejudice of the Established Discipline; which he promised solemnly, in presence of the Brethren: & farther, that he should do nothing, but that for which he should be welcome to the Presbyterie again, and for which he should not be ashamed to be spoken of, either now or hereafter, by the posteritie; taking God to witness, that he never minded the alteration of the Discipline of the Kirk. But the contrair proved true, and appeared in short time after.

Gladstones
falshood.

Mr John Forbes and Mr John Welsh, warded for the time in the Castle of Edinburgh, sent a Letter to the eight Ministers, who were at Court, dated the 3. of September, wherein they encourage them to bear witness to Christs glorious and free Monarchie; which, as it is the end of the other two Offices, so it is the most Glorious; and so the Testimonie more Glorious to God, more Honorable to his Sonne, and shall be more Comfortable to them, than the Testimonie either for his Prophectical, or for his Priesthood: Because his Kingdom is specially impugned at this time.

The imprisoned encourage
the eight
Ministers.

The eight Ministers got presence at Hampton Court, upon the 20. of September, were admitted to kisse the Kings hand, and were dismissed with a favourable countenance. They were desired by the Dean of Westminster to be present the day following, which was the Lords day, in the Kings chappel at Hampton Court, to hear sermon. They were placed in a desk by themselves hard by the preacher. Bishop Barlo had a Sermon before the King, Queen and Nobles there convened, upon Acts. 20: 16. Written in a Paper-book before him, which was soon after set forth in print; and concerned the Superioritie of Bishops above Presbyters. The Deans of Westminster & Salisburrie attended upon them at dinner.

The eight
Ministers
get pre-
sence

Upon the 22. of September they were sent-for to the King, and when they came, they were admitted to the Chamber of Presence, where they were courteously received by the Bishop of Canterberrie. The King came to the Chamber of presence, accompanied with the Earles of Dunbar and Orknay, Lord Fleeming, the Laird of Laurestoun, Sir Thomas Hammiltoun the Kings Advocat, Mr John Spotswood Bishop of Glasgow, Mr George Gladstones Bishop of St Andrews, Mr James Laro Bishop of Orknay, Mr James Nicolson, Mr Robert Howie, Mr Patrick Sharpe, Mr Andrew Lambe. None were suffered to stay within, but the Scotch Councillours & Ministers, except only that of Montague, who kept the door. The King opened up the causes, which moved him to write for them, almost conforme to the tenor of the Proclamation, & the Missive sent unto them. In end he gathered all his speeches to two heeds, wherein he said, he would be through with them for the peace of the Kirk. The one about the pretended General Assembly (so he termed it) holden at Aberdeen, & the proceedings, which followed thereupon. The other, how there

A conference
between the
King and
the eight
Ministers.

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might be an ordinarie and peaceable Assembly holden, to set all things in quietness and good order. They had agreed among themselves to give no present answer, but to take all to advisement. *Mr James Melvine* was chosen to be their spokesman. After he had expressed, in a complementing manner, their joy for his inclination to intertain peace, &c. he desired time to advise; because his Maj. Letter did bear no particular, neither heard they of any before that time. Thereafter there was much time spent, upon sending of Commissioners from Presbyteries, after receiving of his Maj. Commissioners Letter, discharging any Assembly to be holden at *Aberdeen*. Item, upon the proceedings of the Synod of *Fife*, praying for the convicted Brethren in prison; & upon *Mr James Melvin's* Letter directed to the Synod of *Fife*. For the present they answered this much: many of the Presbyteries had not received advertisement before the day; these who had received, considering that there were weightier reasons for holding the Assembly, then for deserting of it, resolved to send their Commissioners to keep the day appointed by his Maj. the Law standing, which is the most authentick testimonie that a King can give, as his Maj. Himself declared in open Assemblie holden at *Dundie*: for the enemies were bold & busie; many References, Appellations, & other matters were lying not taken order with, which could not be ordered without a General Assembly. The greatest motive was a fear to lose the right & possession of a General Assembly, which would expire of it self, if there were not a set day appointed. The words of the Letter, sent by the Synod of *Fife* to other Synods, were, in their judgement, so conceived, that it could neither prejudice the General Assembly, nor his Maj. Royal Power, nor the Brethren who were in Ward under his Maj. mercie. They confessed, they prayed for the imprisoned Brethren, and professed, they could not omit that dutie to their Brethren, which was extended even to malefactors for their amendement. As for *Mr James Melvine's* Letter, the King said, I heard, *Mr James*, you wrote a Letter to the Synod of *Fife*, holden at *Couper*, where there was much of Christ, and little good of the King. By God, I now, ye were raving or mad; for ye speak otherwise now. Was that a charitable judgement ye had of me? *Sir*, said *Mr James*, I was both sore and sick in bodie, when I wrote that Letter; but sober and sound in minde. I assured my self, and the Brethren, that these Articles, a copie whereof came in my hands, could not come from your Maj. they were so strange. Sundrie of the Bishops and Commissioners of the General Assemblie, that were present, confessed, that many wrong copies were sent abroad, and some very odious, whereof one might have come in *Mr James* his hands. The King, refusing the first two heeds, villed them to advise upon an answer, against the next day.

Buckeage
Sermon:The Ministers
premeditated
answers.

They were scarce entred into their lodging at *Kingstoun*, when they received a Letter from *Mr Alexander Hay*, Secrerar for the Scottish affairs, warning them in the Kings name to come to Sermon to morrow. So upon Tuesday the 23. of September, they went to *Hampton Court*, and sat in the place appointed for them in the Chappel, the King and Queen being present. *Doctor Buckeage* taught upon Rom. 13. 1. He joined Pope and Prsbyteries together, diverse times, as enemies to the Kings Supremacie.

After dinner, they resolved upon this answer to the first heed, which

they

they appointed Mr James Melvine to deliver. They could not judge of the Assembly of *Aberdeen*, for these reasons. 1. His Maj. had indicted by Proclamation a General Assembly, wherein his Maj. expected a reparation of all disorders, in so farre as belongeth to the Censures of the Kirk. If they should now condemne, or resolve, having committed such a prejudice, they could not be heard. They called to remembrance his Maj. practice, at the Assembly holden at *Montrose*, where the Commissioners of *Lothian* and *Merce* were rejected, upon the like ground. 2. *Res non erat integra*, but judged alreadie by the Councel: but they would be loath to contradict. 3. The judgement thereof could not appertain to them: *nam quis constituit eos judices?* 4. Put the case they could be Judges, and that the matter might be committed to them, they could not do it *indicta causa*, & *reis non citatis nec auditis*. But the King took another course, which was to pose every one in particular, and so to catch advantage, if it were possible.

The Ministers were sent-for after dinner. The Prince stood at the Kings left hand, with the abovenamed Scottish Noblemen, Counsellours, Bishops and Commissioners of the General Assembly. The Arch-Bishop of *Canterberrie* stood at the Kings right hand, the Earles of *Salisberrie*, *Sussex*, *Worcester*, *Nottingham*, *North-Hampton*, Lord *Stennop*, Lord *Knolles*, and sundrie other Noblemen. Some Bishops and Deans stood at the doore, behinde the Tapestry, who now & then discovered themselves. Mr *Andrew Melvine* desired the Earle of *Dumbar*, to request his Maj. that the English might be removed, lest his Maj. should offend at any thing spoken in a homely manner in their presence: but it was not granted. The King, after resuming of the points left the last day, came at last to be resolved in this particular; whether the Assembly holden lately at *Aberdeen* was a lawful Assembly, or not? and whether the proceedings of the Ministers at it, and afterward, were justifiable, or not? Mrs *George Gladstones*, *John Spotswood*, *James Law*, *Andrew Lamb*, Bishops, Mrs *James Nicolson*, *Patrick Sharpe*, *Robert Howie* and *Laurestoun* were first asked, and answered, they ever damned that Assembly, and the proceedings of these Brethren, as unlawful. Then the King demanded at Mr *Andrew Melvine*, what say ye; whether think ye, that where a few number of eight or nine do meet, without any warrant, vvanting the chief members of an Assembly, as the Moderator and Scribe, conveneing unmannerly without a Sermon, being also discharged before by open Proclamation, may make an Assembly, or not? He answered to the first objection thus; that in an Assembly of the Servants of Christ, vvhwhereof the number is not prescribed by a Law, it is not lawfull for any to disallow thereof for the number, seing two or three (vvhich is the smallest number,) convene in the name of Christ, have the promise of his presence, vvhich is their Lord and Ruler. Beside, rareness maketh not unlawfulness in an ordinary meeting, established by Law and practice. Lastly, all that was done, might lawfully have been done by a fewer number, authorized with Commission, as they were: for continuation requireth not full Conventions. As for their warrant. 1. They have warrant from Gods Word. 2. Your Maj. Lawes. 3. Their Presbyteries sent them in Commission to that effect; and therefore approved the prorogating of the day; which was all they did: and therefore these Presbyteries were to be blamed, if any thing was done amiss; and not the persons,

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Another conference between the King and the eight Ministers.

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who were Executors only of their Presbyteries will and Commission. To the *second* he answered, that the absence of a Moderator and Clerk were not *de essentia Synodi* : And therefore the one, to wit, *Mr. Patrick Galloway*, the Moderator of the former Assembly, absenting himself; the other, to wit, *Mr Thomas Nicolson* being present, but craving leave to be absent for that time, because of his weightie affairs, they might create others in their places, according to the practice of the Church of *Scotland*, as is to be seen in the Register of the General Assemblie. To the *third* he answered, his *Maj.* was misinformed : for the ordinarie Pastor of *Aberdeen*, to wit, *Mr James Ross* had a Sermon before the meeting. As for the pretended Charge, given the night before, turning himself to *Laurestoun*, he said, I adjure thee, in the name of the Kirk of *Scotland*, as you will answer before the great God, in the day that Christ shall appear to Judge the quick and the dead, to declare the truth, and to tell, whether there was any such Charge given, or not. *Laurestoun* answered not one word. Then the King asked, what reasons he had, not to condemne the Ministers. He answered, if it please your *Maj.* to hear, I have these. 1. I am but a privat man, come upon your *Maj.* Letter, without any Commission from the Church of *Scotland*; and therefore, seing *nemo constituit me judicem*, I cannot take upon me to condemn them. 2. Your *Maj.* by vertue of your Proclamation, dated here at *Hamptoun Court* (which he then produced) hath remitted their trial to the General Assembly, expecting reparation of wrongs, if any be done : I cannot therefore prejudge the Church and Assembly of my Vote there, which if I give now, I shall be sure to have my mouth shut up then, as by experience I and other Brethren have found before. 3. *Res est hactenus judicata* by your *Maj.* Council, whether rightly, or not, that I remit to the Lord the Searcher of all hearts, before whom one day they must appear, and answer for that sentence: shall I then take upon me to contradict your *Maj.* Council, and their proceedings? I think your *Maj.* would not be well content with it. Lastly, how can I condemn them *indicta causa*, not hearing their accusers objecting against them? This was the substance of his answer, which he uttered after his own manner, roundly and freely. *Mr James Balfour*, standing next in order, was urged to declare his minde. He answered in effect as *Mr Andrew* did. *Mr James Melvine* answered; their proceedings are already censured by your *Maj.* and Council, wherein I am resolved with the peril to obtemperat, either by obedience, or patience. If your *Maj.* be pleased to have it farther judged by an Assembly of the Kirk, which is our wish, I cannot prejudge the judgement of the Kirk. If in the mean time your *Maj.* will urge me to deliver my judgement of the matter, according to my conscience; unlesse the wrongs done to them, and given in writ to your *Maj.* Estates, at the last Parliament holden at *Perth*, be considered and discussed, I would not for all the world condemne them. A copie of the wrongs we have earnestly desired of themselves, that we might present them to your *Maj.* with this he stepped forward, and delivered them to the King in his hand. While the rest were sporting, the King read them over, and smiling in discontented manner, he said, he was glad they were given in. *Mr Robert Wallace* followed. He regrated some delations that were given in against him, and then answered as the former did. *Mr William Watson* was sharpe against *Laurestoun*, and laid the burden of all upon him : but he never replied one word. *Mr William Scot* de-

livered

livered his Judgement in few words, agreeable with these that preceeded. The Advocat craved licence of the King to deal with him: But Mr *VVil- liam* had the upper hand to his shame. Because much time was spent, Mr *John Carmichael* and Mr *Adam Colt* were desired to be short. They answered in few words, conform to the rest. Their harmonie moved the English & others to admiration. In end Mr *Andrew Melvine* brake out, in his own manner, and plainly avowed the innocencie of the Brethren, in all their proceedings at *Aberdeen*. Thereafter he recounted the wrongs done to them at *Linlithgow*, whereof he was an ear and eye witness. He laid to the Advocats Charge his favouring and sparing of Papists, his craftie, & malicious dealing against the Ministers. So that *any man* could not have done more against the Saints of God, then ye did at *Linlithgow* against the Ministers. Ye would do God and his *Maj.* better service, my Lord, if you bended your forces & speeches against your uncle Mr *John Hammiltoun* a seminarie Priest, and Mr *Gilbert Broun* Abbot of *Nevvabbay*, who have infected a great part of the Countrey with Poperie. But these mens heads ye have clapped, and shut up the faithful servants of Christ in prison; and still ye shew yourself possessed with the same Spirit: For ye think it not enough to have pleaded against them in *Scotland*, with all the cunning & skill ye had, but still continue *any man*. At which words the King turning him about to the Archbishop of *Canter- berrie*, said, what is it that he saith? I think he is calling him out of the revelation *Antichrist*; nay, by God, he calleth him the very Devil. Well bourded, Brother *John*, said the King. In end he demanded, what overture they would give him for the other point. They answered, their best overture was to have a free General Assembly, by which all jarres would be removed, and quickly quieted. The King riseth, and they were dismissed, not without great applause of the English, for their gravitie, and boldness in the cause of God. The truth was cleared unto them, which before was obscured by misreports. What was omitted by one, was remembred by another, every one of them having a prettie space to advise upon his answer.

When the Ministers were gone out of the Palace, and a little on their way to *Kingstoun*, Mr *Alexander Hay* sent for them, readeth to them a Charge from the King, not to return to *Scotland*, nor to come near the *Kings*, *Queens*, or *Princes* Court, without special licence and calling for.

Upon the 24. of *September*, Mr *Alexander Hay* willed them to return to Court with all convenient speed. When they came, he shewed to Mr *James Melvine*, that he was directed by his Maj. to crave his subscription to the sheet of Paper, which was given - in by him to his Maj. concerning the cause, and manner of the delivery. So he gave him it to peruse, which being done Mr *James* wrote the answer, and manner of the delivery of them in the Kings hand. Within an hour after, the Earle of *Glencarne* and Mr *John Gordoun* came to them, directed from the King, desiring their answer in writ, & subscribed, to his question; What the King may do in matters Ecclesiastical? and whether or not he had wholly the power of conveening and discharging of Assemblies? They craved the question to be set down in writ, and subscribed as from his Maj. and sufficient time to advise, and so the matter deferred at that time.

Upon the 28. of *September*, they were againe written for to come to Court. The end vvas to hear *Doctor Andrews* Bishop of *Excester*, vvhoo,

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The eight Ministers discharged to return.

Mr James Melvine urged to subscribe the informations of the imprisoned Ministers.

The eight Ministers at Doctor Andrews Sermon.

1606.

The service
in the
Kings
Chappel
upon St Michael's day

The eight
Ministers
before the
Scottish
Councel.

teaching upon the tenth of *Numbers*, discoursed upon the two trumpets, and proved, as he could, the Conveening and Discharging of Councils and Assemblies to belong to Christian Kings and Emperours.

At supper, they were again warned to be at Court, the day following by eight a Clock; because the Scottish Councel was to deal with them. But when they came, they were willed by the Kings expresse command; to come to the Kings chappel, namely Mr *Andrew Melvine* and Mr *James Melvine*. Mr *James* warned Mr *Andrew* by the way, that they were to be trapped, and to have their patience tried. There they saw the King and Queen offer at the Altar, whereupon were set two books, two basons, and two candlesticks with two blinde candles. This was a day solemnly kept, in Honour of Saint *Michael*. A German being present, said, *ego numquam vidi talem cultum: nihil hic profecto deest de solenni missa, præter adorationem consecrati panis*. Upon the occasion of this solemnitie, Mr *Andrew Melvine* made the Epigram, for which he was afterward troubled.

That day afternoon, the Earles of *Argile*, *Glencarne*, *Orknay*, *Wigtoun*, *Dumbar*, the Comptroller, the Advocat, the Abbot of *Lindorse*, Mr *Peter Young*, the Laird of *Kilsyth* convened, in the Earle of *Dumbar*'s lodging. When the Ministers compeared, *Dumbar* shewed unto them, that it was his *Maj.* will, that the Council there convened should deal with them severally, and crave their answer to certain heeds, whereunto they prayed them to give clear answers, for satisfaction of his *Maj.* and to go forth, and come in, as they were called on. Mr *James Melvine* was first called on, and being demanded by the Advocat. 1. Whether he prayed for the imprisoned Brethren? 2. Whether he allowed the holding of the Assembly at *Aberdeen*, and the Declinature given in to the Council by them who held it? 3. Where was his Letter, written to the Synod of *Fyfe &c*? He answered, I am a free Subject of the Kingdom of *Scotland*, which hath lawes and priviledges of their own, as free as any Kingdome, in the world, to which I will stand. There have been no summons lawfully execute against me. The Noblemen here present, & I, am not in our own Countrey. The charge *super inquirendis* was declared long since to be unjust. I am bound by no Law to accuse myself, neither to furnish dittay against myself. He desired the Noblemen present to remember what they were; and to deal with him, howbeit a mean man, yet as a Freeborne Scottishman, as they would be content to be used themselves, that is, according to the Lawes of the Realme of *Scotland*. The Advocat notwithstanding urged him to answer, with whom he interchanged some sharpe speeches; and told him, that howbeit he had not studied the Lawes, as he had done, yet he had learned his logick, and taught it in the Schooles. Will ye not daigne his *Maj.* with an answer? said *Dumbar*. With all reverence, said Mr *James*, if I might know the question, and have time to advise upon a good answer. Ye shall have that, said *Dumbar*; and desired him to give in his Supplication, which the Ministers imprisoned had sent to the King, which Mr *James* delivered unto him, and intreated him to present it to the King, and to Assist it. He was removed, and the rest were called on by course. At last Mr *Andrew Melvine* was called, and told them plainly, they knew not what they were doing; they had degenerated from the ancient Nobilitie of *Scotland*, who were wont to hazard their lives and lands for the freedom of their Countrey, & the Gos-

pel, which they were betraying and overturning. Night drawing on they were dismissed.

Upon the thirty of September, they were again called - on to sermon. Doctor King had a most virulent invective against the Presbyteries, crying to the King, *down, down vwith them.*

Upon the Second of October, the eight Ministers were againe called before the Scottish Councillours. Three Articles were delivered to them in writ, whereunto they were called to give answer in writ, every one of them severally; and to take as much time to advise, as they pleased, & indeed the chief drift was to drive time, till the Convention at *Lnslithgow* were past. It was permitted to them to go where they pleased, providing they vvent not far from Court, and made the place of their abode known, that they might be found, vwhen it pleased his Maj. The tenor of the Articles, subscribed by *Mr Alexander Hay*, here followeth.

Whether they had not transgressed their dutie, in making publick prayers for the Brethren in Ward, as being afflicted: and are vwillig to crave his Maj. favour for the same; seing their said Brethren abide in vvard for just causes, and by a just sentence of a layvful Judge. standing unquarrelled and unreduced?

Whether they acknowvledge his Maj. by the Authoritie of his Prerogative Royal, as a Christian King, to have layvful and full pover to Con-vocat, Prorogat, and cause desert, upon just and necessare causes known to him, the Assemblies of the Kirk, vwithin his Maj. Dominions.

If his Maj. by his Authoritie Royal, hath not sufficient and layvful Pover to call, and conveen before him and his Council, vwhatsoever Person or Persons, Civil or Ecclesiastical, for vwhatsoever faults, and give sentence thereanent? And if all his Maj. Subjectes be astricted to compear before his Maj. and Council, to answer, acknowvledge and obey his Maj. and Councils Judgement, in the said Offences? 2. October 1606,

The Articles abovevritten, appointed by his Maj. Council to be delivered out of my hand to the Ministers abovementioned, by his Maj. special Commandment.

Alexander Hay.

Upon the fourth of November, *Mr William Scot* and *Mr John Carmichael* vvent to *Westminster*, and conferred vwith *Mr James Nicolson*, vvhom they found to be a man far changed, and resolved to accept the Bishoprick of *Dunkelden*, bought to him by the King from *Mr Peter Rollock* for twenty thousand pounds. They delivered to him their Answers to the three Articles, and vwith all their Grievance, vvhich the King desired them to give - up. They agreed in substance; howbeit some were more ample than others. *Mr James Melvill* answered thus.

With all submission, humilitie and reverence to the Kings Maj. and with all hearty affection to his Grandour, *James Melvill* giveth answer to the questions proponed by his Maj. most honourable Council.

I cannot conceive a transgression of dutie, in praying for our Brethren, the command & vvarrant being so clear in the Word of God, *1 Timath. 2:1.*

1606.

The eight Ministers at Doctor Kings sermon.

The Articles proponed to the eight Ministers.

1.

2.

3.

1.

1. Job.

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1. *Joh. 5: 16. Heb. 13: 3.* And if I could conceive any, prostrate at his Maj. feet, I would most willingly crave pardon and favour.

2. The Lawes of the Realme, the judgement, Practice and Constitution of our Kirk are clear hereanent; and if there remaine any doubt, let it be resolved in the next General Assembly, to the which by the whole Synod it is referred.

3. The *third* is Civil, for the most part of many interrogations; & cannot therefore be simply answered; and if to be doubted of, it is to be resolved by lawyers & the Estates of the Realme. And as for judging of Ministers in matters meerly Spiritual or Ecclesiastical, such as concerne their Calling, and points of their Ministrie, which they have of and in *Christ Jesus*, and of his Kirk allanerly, together with the Jurisdiction of the Kirk, what it is, and how it differeth from the Jurisdiction and Power of Civil Magistrates, the Statutes of the Realme, the Judgement, Practice and Constitutions of our Kirk, the Kings Maj. Declaration at *Linlithgow*, and at diverse General Assemblies, are most clear and evident; to which I stand, till God teach my Conscience better. Protesting before that great God of heaven and earth, that if I thought it not a sinne against Christ the Lord of Lords, and King of Kings, and so most dangerous to the Kings Maj. Person, Crown and Estate, to ascribe and give any farther to him, there is none living would be gladder, according to his abilitie, for avouching, maintaining and standing for the same to the uttermost, than poor *James Melvine*.

Mr William Scot his answer to three Articles, written by his Maj. Council, and delivered to him by Mr Alexander Hay. 2. October. 1606.

For asmuch as it hath pleased your Lordships to demand me, a simple Minister, and one of his Maj. meanest Subjects, of a special dutie done to God in the Obedience of Faith, and to his children in the band of Brotherhood; and one of the highest Secrets of his Maj. Crown, matters as in themselves most weightie, so in down-setting skilfully convoyed. Albeit it be of verity, that of Reason, Equitie and Order, usually observed within his Maj. Kingdom of *North-Britain*, doubtfull Articles of great importance have been, and should be proponed to a godly and wise Parliament, & to a grave and learned Assembly of the Kirk *respective*, there gravely to be treated, reasoned and concluded; and not to a simple man or single Subject, separat from assistance and commodious means, with his inevitable hurt, to be obscured. Not the lesse fearing to be esteemed drigh, nice, or in any way wanting due regard to your Lordships pleasure; and still reposing upon his Maj. Missive, and Gracious Favour, his Royal Intention, and professed Affection to the peace of the Kirk, & Ministrie thereof; and your Lordships declaration in Council, to wit, that I am called before your Lordships in favourable manner, & not *super crimine, aut inquirendis; nec animo tentandi*; & that no Accusation, Action of Law, nor danger whatsoever, should be moved against me; upon my speeches, off hand & simply uttered, at your Lordships Command, & in your presence; or answers set down in writ to your Lordships Articles at your desire. As I understand them, I adventure humbly to answer, beseeching herefore, that it would please your Lordships to grant me your favourable Interpretation, and charitable Construction of

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these answers, which for the present I can give and leave, that, as it shall please God to inform my Judgement better, I may amend them accordingly.

To the *first* I answer, that being a disposer of the Secrets of God, & long before my Brethren went to Ward, in a special manner obliged to some of them, for mutual remembrance in prayer, and knowing them to be of the household of Faith, and no Reason, nor Law in the contrair, as I understood their case, in a single heart & Christian charitie, I called to God for them accordingly, never having intention nor purpose (as knoweth the righteous Judge, unto whose eyes all things are naked and open) to transgresse my dutie to the meanest member of the fellowship of faith, farre lesse to his most excellent *Maj.* neither know I by my self, wherein I have transgressed, in praying for them, otherwise then by infirmity, wants, & other parts of imperfection, common to Christians in Spiritual works, during their life here, seeing God hath commanded his Children to pray for all Saints, & each one for another, in whatsoever case they be: Yea not only for them that love us, but also for them that hurt, persecute and curse us, excepting them allanerly that sinne unto the death *Ephes. 6: 18. Jam. 5: 16. Heb. 13: 3. Mat. 5: 44. 1 Joh. 5: 16.* And yet I presume not by my self to Justifie my own actions; but most willingly leaves place to lawfull trial, & more wise and indifferent Judgement in such cases. Being as ready at all times to be in his *Maj.* favour, as loath at any time to commit whatsoever may justly avert the same.

To the *Second* I answer, *first*, that the prerogative of his *Maj.* Authority Royal, is so far above my reach, that I neither dare, nor, as I understand, is it lawfull for me by my privat motion, to set down vvhath Pover his *Maj.* hath over the Assemblies of the Kirk thereby; but I most heartily and humbly acknowvledge, that his *Maj.* hath as lavvful and full power in every respect, as the Word of God giveth to any King or Monarch under heaven. And touching the Convocation, Prorogation, or Alteration of the diets of the Assemblies whatsoever, it is evident by the Acts of the Kirk afterfollowing, that his *Maj.* and the General Assembly have pover of the famine, *viz.* in the General Assembly holden at *Glasgow* 24. *April* 1581. Werein his *Maj.* Commissioners were present, after long deliberation in former Assemblies; it was Reasoned, Voted, Concluded and enacted, that all the Ecclesiastical Assemblies have power to convene lawfully together, for treating of things concerning the Kirk, & pertaining to their Charge; as also to appoint times and places to that effect, and one Assembly to appoint the diet, time and place for another: Which Act, as I understand, is not abrogat, but rather by his *Maj.* Law, and continual Practice of the Kirk, within his *Highbness* Kingdom of *North-Britain*, confirmed; which usually hath prevented, prorogat or appointed the diets of Assemblies, as the expedience of the affairs of the Kirk required, and judged anent alterations as they fell out, as at *Edinburgh* 21. *July* 1591. at *Dundie* 10. *May* 1597. at *Halyrudhouse* 10. *November* 1602. Item in the Article, proponed by his *Maj.* Commissioners to the Assembly at *Perth* 1. *Martij* 1596. Bearing, that no Meeting nor Convention be among the Pastors, without his *Maj.* knowledge and consent, there is a special exception made of their ordinarie Sessions, Presbyteries and Synods: and in the answer of that Assembly thereunto, there is added, their meetings in Visitations of Kirks, Admission and Deprivation of Ministers, taking up of feods, and

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such others as have not been found fault with by his Maj. And in the General Assembly thereafter at *Dundie*, it is extended to all and whatsoever form, either of Special, or General Assemblies, authorized by his Maj. Law, as they have warrant in the Word of God, as being the most authentick form of consent that any King can give; whereby it is clear, what order and custome, anent the diets of Assemblies, is. *Secondly*, if the Article mean any innovation or alteration of the foresaid order and practice, or any part thereof, in that case, in the General Assembly at *Perth* 1. *Marty* 1596. it is agreed upon betwixt his Maj. and the General Assembly, anent points his *Highness* desires to be dissolved or reformed, that it is lawful to himself, or his *Highness* Commissioners, to propone them in a General Assembly, providing it be done in right time and place, *animo edificandi, non tentandi*. *Thirdly*, this Article in effect being first moved among the rest of his Maj. printed Questions to the General Assembly at *Perth*, was remitted to be advised by certain Commissioners against the Assembly immediately following at *Dundie*, where it received no particular answer, neither hath since. And now lately being proponed to the Synod of *Fife*, whereof I am a member, for weightie causes, it was referred to the General Assembly, whereunto properly the decision thereof belongeth. In respect of the premisses, it were presumption, folly and iniquitie in me, to answer any otherwise, anent this Article, then the Kirk has done.

To the *third* answer, *first*, that the order anent Citation of Parties, Cognition of Causes, & giving of Sentences in offences, usually judged within his Maj. Kingdom of *North-Britain*, by the Civil and Criminal Judges, *viz.* Parliament, Justices, Commissars, Sheriffs, Stewarts, &c. what jurisdiction, or limitation of jurisdiction: who are judges competent to every cause: If *forum rei* should be kept, or what power they have respectively, to Advocate or Repledge causes, or suspend Decrees; or if his Maj. and Council be judges competent to all offences; belongeth neither to me, nor to my calling to determine. But concerning some sort of offences, Christ has commanded to tell the Kirk, whereunto he has promised, that whatsoever they shall binde on Earth, shall be bound in Heaven; and whatsoever they shall loose in Earth, shall be loosed in Heaven: which Scripture, by soundest judgements, is expounded of the Councils of the Kirk.

Their grieves, and advice, how to pacifie the troubles of the Kirk.

Please your most excellent Maj. to hear the grieves, which your Maj. desires us to give up to your *Highness*, that they may be redressed: as also our advice, anent the pacifying of the Estate of our Kirk.

We are grieved, that these four years, the General Assemblies of the Kirk of *Scotland* have been prorogued, in so needful and dangerous a time, when all Estates are careful of their Priviledges; and Papists, Atheists, and Licentious persons contemne the Discipline of the Kirk.

We are grieved, that fourteen Ministers should lye year and day in ward and prison, detained from their flocks and families, while the hand of God is striking so sore by the Plague of Pestilence among them.

We are grieved, that the Commissioners of the Kirk, who Vote in Parliament in name thereof, have neither entered in that Office, nor behaved themselves therein, according to the Cautions & Order set down by your *Maj.* in the General Assembly, holden at *Montrose*: and namely, that these Cautions, ordained to be insert in the Act of Parliament, which was to be made in their favour, howbeit offered by the Commissioners of the General Assembly, were refused and rejected at *Perth*.

We are grieved, that the Commissioners of the General Assembly made not timely and faithful warning to the Presbyteries, for the Assemblie appointed by your *Maj.* to be holden at *Aberdeen*, which was the first cause of all this trouble: and yet that some of them sat in Council, & were too forward in condemning the Brethren to prison.

We are grieved at your *Maj.* Commissioner *Laurestoun* his unfaithful, foolish and false dealing at *Aberdeen*, the next and immediat cause of your *Maj.* offence, and of the troubling of the Brethren.

We are grieved at all the wrongs, which these Brethren alledged done unto them, most humbly beseeching your *Maj.* to consider and amend them, as next under God appointed to do the same.

We are grieved, that we are detained so long from our flocks and families, in time of the danger of the plague, and other great necessities.

All which grieves, if it would please your *Maj.* to take to heart, and redresse, we dare be answerable, that the Estate of our Kirk shall be pacified.

They gave in their answers and their grievances the sooner; because it was pretended, that they were detained, because they had not given them in; and before Mr *James Nicolson*, the chief deviser of plots in Kirk-matters, depart from the Court: for he was to be sent home, to direct *Lindisgow* Convention. But they were detained still notwithstanding, till, in their absence, some advantage were gotten for the course of Episcopacie.

The Parliament of *England* sitting down upon the 15. of *November*, they were excluded from all action and dealing for themselves at Court. In the mean time they keep an honest table together at *London*; and many Brethren of the better sort resorted unto them. One day in the week, for the space of a moneth, they had exercise with fasting and humiliation, specially for the business, that the King and his Commissioners were compassing, at home in *Scotland*.

In the mean time they cease not to give in their Supplications, to be presented to the King; one by the Earle of *Dumbar*, another by Mr *James Nicolson*, the third by Mr *Alexander Hay*, the fourth by the Bishop of *Orkney*, the fifth by the Lord *Halyrudhouse*; but received no answer; the sixth by Mr *Alexander Hay* upon the 21. of *November*, wherein they craved a favourable dismissal, and licence to return to their Countrey, Flocks and Families, from which they had been now absent the space of half a year; many thousand soules, concredit to their charge, famishing for want of the word, themselves wandering as idlemen of no calling, to the shame of their Profession, spending the means whereon their families should live at home; and some of them through age, sickness, disease, wearisome unto themselves, for want of necessarie comforts of their friends and families. The King would not look upon this Supplication; but upon the Lords day after, Mr *Alexander Hay* came to

The exercise of the eight Ministers.

The eight Ministers wards designed.

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their lodging, and intimat an Ordinance for warding of every one of them with a severall Bishop. (So much was their remaining together envied.) *Mr Andrew Melvine* to be warded with *Doctor Bilson* Bishop of *Winchester*: *Mr James Balfour* with *Doctor Gigon* Bishop of *Norwich*: *Mr William Scot* with *Doctor Doue* Bishop of *Peterborough*: *Mr John Carmichael* with *Doctor Matthew* Bishop of *York*: *Mr William Watson* with *Doctor Wauchan* Bishop of *London*: *Mr James Melvine* with *Doctor James* Bishop of *Durham*: *Mr Robert Wallace* with *Doctor Barlo* Bishop of *Rocheſter*: *Mr Adam Colt* with *Doctor Raviſh* Bishop of *Salisburrie*. They were ſharp with *Mr Alexander Hay*, and in end gave him this answer. If we have committed any Crime, let us be judged orderly, and puniſhed; otherwiſe we will not diſhonour the King, nor our own callings, by lying in ſuch mens houſes; but will rather chooſe Imprisonment or Banishment. They beſeech him to intreat his *Maj.* to have a regard to his own Honour, the honour of their Countrey, and the credit of the Kirk. There was no more heard of that matter, till a quarter of a year after: yet they were forced at this time to break up their ſocietie, and to go aſunder.

Mr Andrew Melvine committed to the Dean of Paul's.

Upon the laſt of *November* *Mrs Andrew Melvine*, *James Melvine* and *Robert Wallace* were called before the Councel, for a Latine Epigram, which came in the Kings hands, which here followeth.

*Cur ſtant clauſi Anglis libri duo, regià in arà,
Lumina cæca duo, pollubra ſicca duo?
Num ſenſum, cultumque Dei tenet Anglia clauſum,
Lumine cæca ſuo, ſorde ſepulta ſua?
Romano & ritu dum regalem inſtruit aram;
Purpuream pingit religioſa lupam.*

Mr Andrew compeared before the Councel of *England*, confeſſed he had made ſuch verſes, being much moved with indignation to ſee ſuch vanitie & ſuperſtition in a Chriſtian Church, under a Chriſtian King, borne and brought-up in the pure light of the Goſpel; and ſpecially before Idolaters, to confirme them in their Idolatrie, and to grieve the hearts of true Profeſſors. He ſaid, he had a purpoſe to preſent theſe verſes to his *Maj.* and withall to have uttered his minde; but wondered how they came in his *Maj.* hand, ſeing as yet he had not given out any copie. When *Bancroft*, then Biſhop of *Canterberrie*, began to ſpeak, he charged him with Profanation of the Sabbath, imprifoning, ſilencing and bearing down of faithful Preachers, holding up of Antichriſtian Hierarchie, and Popiſh Ceremonies. Shaking the white ſleeve of his rochet, he called them *Romiſh rags*; and told him, that he was the author of the Book, entituled *English Scotizing*; he eſteemed him the Capital Enemy of all the Reformed Kirks in *Europe*, and would profeſſe himſelf an enemy to him, in all ſuch proceedings, to the effuſion of the laſt drop of his blood. He ſaid, he was grieved at the heart, to ſee ſuch a man have the Kings ear, and to fit ſo high in that honourable Councel. He painted out likewise Biſhop *Barlo* in his colours; and challenged him for reporting the King to have ſaid, in the Conference at *Hamptoun-Court*, that he was in the Kirk of *Scotland*, but not of it, and other like; and marvelled, that ſuch an one was ſuffered to live unpuniſhed exemplarily, for making the King to be of no Religion. He refuted his Sermon, preached at *Hamptoun-Court*,

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breely, so long as he could get audience. . . Often was he interrupted, and in end removed; and when he was called in again, Lord *Edgerstoun* Chancellour admonished him to joine modestie with his learning & years. So it pleased the Chancellour to tax his zeal. The Councel giveth a warrant to Doctor *Overall* Dean of *Pauls*, to receive him to remaine in his house at *Pauls*, with an injunction not to suffer any to have accesse to him, till his *Maj.* farther pleasure herein be signified, and to conferre with him in such points, as he shall finde him to differ in from the Discipline establied in *England*.

Upon the 23. of *October*, there being a Convention of sundrie Noblemen in *Linlithgow*, the six Ministers, imprisoned in *Blackness*, were ordained to be Banished the Kings Dominions, under the pain of Death, and to be kept in Ward for a moneth, that they may prepare themselves for their departure. Upon the 6. of *November* about the evening, when they were readie to imbarke, Mr *John Welsh* conceived a fervent prayer, in the shore of *Leith*, & they took good-night of their friends, wives & acquaintances; & entred in the Boat, & after they had waited a good space upon the Skipper, because he was not readie, they returned to their lodging. They were called-on again by two hours in the morning, at which time, many were attending upon their boating. After prayer they entered in the Boat, with singing the 23. *Psalme*, the people were much moved, and prayed heartily for them. This time was chosen to strike a tetrour in the hearts of the Ministers, that were to convey at *Linlithgow*, in the moneth following.

Mr *William Couper* sent this Letter following to the Bishop of *Dumblane*, at this time, or a little after.

Brother, I have received your commendations from B. which were needless, if you had kept your wonted heart. As for me, I never hated you. Your course, wherein ye are entered, I never loved. Although the fruit ye enjoy be sweet; yet the end shall prove, it never grew on the tree of life. Doing in a work of conscience with doubting, turneth light in darkness, whereupon followeth induration. Whereof it followeth, that many in our Kirk without feeling, are coursers against their Brethren, that have done more good in the Kirk for the edification of others, than ever themselves did, having neither eyes to see, nor hearts to feel, how dangerous their Estate is, who cannot rise but with the falling of many, who in God have entered this Ministrie, closing the fountains that God hath opened. One of your own told me, long ere the last Ministers went to *England*, that they were written for to reason, but the end proved prison, and no appearance of returning to some of them. These are the first fruits of your preferment. Here ye stand; and therefore I cannot stand with you, except it be to witness to God in my heart against you, that ye have gone wrong. Ye hope in this course to do good; but it is hard for you to worke Miracles. At least, ye will hold off evil: But how shall ye draw in a yoke with them that are drawing on evil daily? Ye will not go beyond the Caveats of the General Assembly. But the answer given to the Commissioners of the Kirk, at the last Parliament, by the Chancellour (we enter not Bishops according to an Act of the Assembly, but according to that which they were an hundreth years since) *detexit fraudem*. I heard it given; and so did the chief of themselves A. B. C. Ye skarr at them, vvhom ye were blyth to see. Ye like not the light ye loved. Ye count those preachings unpleasant, vvhich in ye were

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The six imprisoned Ministers banished.

Mr William Couper's Letter to the Bishop of Dumblane.

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wont to rejoyce. These may tell you, ye have fallen. Consider with yourself, where ye was, and where ye are now, *et quantum illud sit propter quod nos reliquisti*. Thus loving your self, but not your way, I end.

In the beginning of *October* the eight Ministers understood, that there were a hundredth Missives to be directed to *Scotland*, which they understood a little after to be for a Convention, which was to be holden at *Linlithgow*. The Earle of *Dumbar* returned to *Scotland* about the end of *November*, & in the beginning of *December*, the Missives were sent to the Presbyteries, wherein the King willed them to direct the Persons, nominated in the Missive, to *Linlithgow*, the tenth of *December*, to consult with some Noblemen, for suppressing of Papists, and removing of jarres in the Kirk. The Copie of the Missive sent to the Presbyterie of *Dumfermline*, here followeth.

Trustie and welbeloved, we greet you heartily well, Our knowledge of the jealousies, and distractions of late, risen without any necessary or essential cause, in the Kirk of *Scotland*, the progresse whereof might tend to open dissention among the Pastors, to their own trouble, the evil example of our People, and our discontentment, have moved us to send for a number of the Ministrie, whom we understood to be of knowledge and good experience, that by their information the causes of these grieves may be truly known, and the best means devised for removing such unnecessary Contentions, and reducing their proceedings to a settled, & good order, for their own quietness, and Our obedience; we have not received that contentment which we expected; their answers tending more to ignorance of these distractions and grudges (which to our grief are too manifest to the world) nor to any advice of the remedies thereof: and because we could not be blameless of undutiful negligence, if we should leave any good means unessayed, which might bring the readiest remedie to the bypast disorders, and best assurance for good order in the Kirk, and Obedience to our Authoritie in time coming. Therefore we have thought it necessary to appoint some Noblemen, and others of our Council, to convene with a number of godly, wise and learned Ministers of the Presbyteries of that our Kingdom, at *Linlithgow*, the tenth day of *December* next to come, to advise and resolve upon the remedies of the bypast distractions, preventing of imminent dangers by the daily increas of Papists, travelling in all the corners of that Kingdom, to disturb the peace of the Kirk and Countrey, and to subvert our Royal Estate, and for settling a good order and quietness in the Kirk, and Obedience to our Authoritie. For which purpose Our will is, that ye direct *Mr John Fairfoul* Minister at *Dumfermline*, *Mr Andrew Forrester* Minister there, and *Mr James Stewart* Minister at *Saling*, to be present with such of our Nobilitie & Council, as we have commanded to meet them, the said day and place; that by them they may know our godly and just Desires: and that such as ye send, may give their information, advice, concurrence and Judgement, to the furtherance of good Order. Peace, and Obedience, in the Kirk and Countrey, to our Authoritie, preventing of the Papists courses, delating of the names of the Authors thereof, & such as reset Jesuits, Priests and trafficking Papists, or other excommunicat Persons, as also such as resort not to the Kirk & Communion, according to our Lawes and Acts of Parliamenr made thereanent, and in all other matters of the like nature, tending to the peace of the Kirk, & our Obedience: Where-

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anent our constant affection to the advancement of all such godly purposes, will be more lairgly signified to them, at the said meeting, by such of our Nobilitie and Councel, as have our expresse direction in these matters. So resting assured of your conformitie, and dutiful Obedience, in the performance of this our command, tending to so necessarie and godly ends, we bid you heartily farewell.

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At New-mercat the 20. of October 1606.

*To our trustie and welbeloved the Ministers of the
Presbyterie of Dumfermline.*

If the Reader will conferre the first part of this Letter with that part of the storie, which hath preceeded immediatly, he shall finde, that the eight Ministers, sent-for to Court, were not ignorant of the distractions in our Kirk, nor yet did pretend ignorance; and that they gave their advice how to pacifie the troubles of the Kirk: But their advice crossed the intention of the King, and his Bishops. The Second part of the Letter pretenderth, that this meeting, that is now indicted, is for the same end, to give advice only, how order shall be taken with Papists, and good Order and quietness settled in the Kirk. No mention here in this Missive of a General Assembly, either by name, or by description. The day appointed, to wit, the *second Tuesday* of May, was not altered by Proclamation, nor any mention is made in this missive of preventing the diet. Who could then be induced to think, that this meeting was any thing else, but a preparative to a General Assembly? It is requisit, that the intimation of a General Assemblie be clear, and published in such a manner, that it may come to the notice of all the Subjects: Both because it ought to consist of Commissioners from Burghes, and Barones, as well as Ministers; as also because Complainers, Supplicants, Appealers ought to know, where and when they ought to addresse themselves to the Assembly. Yea the Missives were not delivered to every Presbyterie, as was needfull; seing there was no other kind of intimation: And to some Presbyteries, but only the day before the meeting. Privat Letters were also directed to the Brethren themselves, who were nominat, wherein they were willed to keep that diet. Election is not left free to the Presbyteries, which ought to have been, specially if they were to make up a General Assembly. The Persons are nominat in the Kings missive, upon the Bishops information: for the King could not know all the Persons nominated, and of what Presbyteries they were members. And no doubt, the Bishops would give-up the names of such, as they thought least opposit, or at least indifferent, or to favour their course. They took the opportunitie, when eight of their Brethren were detained at Court, & fifteen banished or imprisoned, which might have been a sufficient exception against their Assembly, if there had been no other: For these were the worthiest of the Ministrie in this Kirk.

There were present at this Convention these Noblemen and Barones following, *Montrose, Glencarne, Linlithgow, Orkney, Dumbar, Wigtoun, Kinghorne, Abercorne, Lothian, the Lords Lindsey, Ochiltree, Scoone, Blantyre, Culrois, Halvudhouse, Justice Clerk, Petrie Seal, the Advocat, the Collector, the Clerk of Register, Lord Melvil, Laird of Kilfith, Kinnaird, Balcolmie, Balmanno, Waugh-*

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stoun, Balvaird. Commissioners for the King, *Montrose, Lindsey, Blantire*, the Collector and *Kilsyth*. There were of Ministers out of the Presbyteries about the number of 130. Out of some five or six, as they were thought meet to favour the purpose; whereas by the Act, made in the Assembly holden at *Dundie*, no more than three ought to be admitted out of a Presbyterie. *Mr Patrick Galloway*, as Moderator of the last Assembly, was desired to preach; but he refused. But this was only collusion: For *Mr James Law*, Bishop of *Orkney*, was prepared to teach, and taught upon the words, *Pray for the peace of Jerusalem*. Thereafter *Mr Patrick* addressed himself to the Moderators place, & after praying & discoursing upon *Matth. 18: 20*. He opened up the causes, which moved his *Maj.* to appoint that meeting, to wit, to take order with Papists; to advise how Ministers might be better provided with constant stipends; & how Jarres among Pastors might be removed. The Earle of *Montrose*, Principal Commissioner for the King, followeth with a short harangue, which was explained by *Mr Patrick*, because his voice was weak. The King was praised for the care He had of the peace of the Kirk, and the Brethren were exhorted to judge charitably of his *Maj.* proceedings, and to give his *Hightness* satisfaction in the matters, which were to be proponed. The Collector *Mr John Prestoun* followed with his harangue, and after him the Clerk of Register, to the same effect.

After these harangues *Mr Patrick Galloway* desired, that a Moderator might be chosen. He proponed in leet as from the King, *Mr Patrick Sharpe, Mr Robert Hovvie, Mr Alexander Lindsey, Mr James Nicolson*. When the Ministers Votes were asked, sundrie answered, they had no Commission from their Presbyteries to Vote in any thing. They were desired to Vote as private men, appointed to come there by his *Maj.* let them call their Judgement, Vote, or Advice, as they pleased. So *Mr James Nicolson* was Chosen Moderator. When he entred in his place, he assumed *Mr Henrie Phillip* Minister of *Arbroth* to be his Scribe. Thereafter a number were nominat for the privie Conference.

Many feared the evil of this meeting, and that it would be maintained after to be an Assembly; whereupon some minded to give in a Protestation, of which number was *Mr Adam Bellenden*, afterward Bishop of *Dumblane*. Which when the Bishops understood, they caused them to be cited before the Council. There they were exhorted to desist, till they saw if any thing were done in prejudice of the Kirk; and in that case, the Bishops assured them, they should protest against it as well as they. But it was never their minde to interpret any thing to be done in prejudice of the Kirk, that served for the advancement of their course. So there was no more noise of a Protestation at that meeting.

Upon the eleventh of *December*, the Moderator inquired what diligence was used in the execution of the Kings Lawes, against jesuits and Excommunicat Papists, of whom some were given in by the Ministers of every Presbyterie in writ. Little or no diligence was found, & the chief excuse was grounded upon the oversight granted to the *Marques of Huntly* and his *Ladie*. After a sharprebuke given to the Bishops, Commissioners & Ministers of the Presbyteries for their negligence, the Assembly dissolved for that night.

Papists were ranked in sundrie ranks, jesuits, Priests, Sayers and Hearers of Masse, were ranked in the first rank. Ministers were desired to delate their names; and ample promises were made for executing the

Lawes against them with all rigour. Yea it was alledged, the Kings guard was there present, readie to take and apprehend them. But sundrie Ministers apprehended, they were for a terrour to them, and as readie to apprehend them, if they had made any stout opposition. Recusants or non-communicants were of another rank. It was ordained, that the Kirk should enter in processe against them with all expedition, and that their names be given up in roll to the Councel. Promise was made, that the penaltie of the Lawes should be execute against them, who Communicat not at least once in the year; and that no Letters should be directed from the Councel, as was wont, to stay the exercising of Discipline against any Person whatsoever. Noblemen, contrarie minded, and not yet resolved, howbeit they had Subscribed, Sworne, and Communicat sometime, were placed in a third rank. It was ordained, that these vvith all diligence addresse themselves to severall Burghes, to hear the vvord, conferre &c. And yet that they be processe, unlesse they attend, and profit. It vvas thought good, that every Presbyterie have an Agent to inform the Councel, vvhat Papists, Jesuits, or Excommunicats are vvithin their bounds, to raise Letters, to keep the Councels diets, and to see the Councels Decrees put in execution: And that every one of these Agents have an hundreth pounds yearly payed by the Treasurer, for his expences, if he be not a Bishop: Othervvise if he be a Bishop, that he bear the burden himself.

Then came in next Overtures for planting of Kirks, and provision of stipends. The taking order with Papists, and hope of Augmentation of stipends, vvhere the vvwo chief pretences & means, vvhereby the Bishops circumvvenced a number of the Ministrie, and drevv them to their side, or made them silent, and to give vvay to their course.

It was asked by the Moderator, vvhat was the cause of the Jarres in the Kirk? it was answered. 1. The warding of the Brethren, Banishing, or Confining, detaining them at *London*. For remedie of this, a Letter of Supplication vvvas appointed to be sent to the King; and that the banished be moved by such, as are acquaint with his *Maj.* minde, to acknowledge their offence, and crave his *Maj.* pardon: which vvvas a plain mockerie. 2. The vvant of a free General Assembly. For remedie it was appointed presently, with advice and consent of the Kings Commissioner, to be holden at *Edinburgh*, the last *Tuesday* of *July* Next to come: but there was no such purpose. 3. A fear possessing all honest mens hearts, that Bishops were brought in, to spoil us of our Discipline. The Bishops protested, that there was no such thing in their mindes, & that they would submit themselves, in all time coming, to the judgement of the General Assembly; and his *Maj.* vvvas never of another minde. Some objected their Non-residence, and not preaching there, vvhere their benefice lay. They answered, that their Benefices vvwere spoiled, and they must have a time to seek the benefite of the Law. It vvvas ordained, that between & *July* next, they should either make residence, or demit to others.

Then his *Maj.* desire vvvas proponed, that till Papists vvwere repressed, and Jarres removed out of the Kirk, a constant Moderator might be appointed in every Presbyterie: Because in the changing of the Moderators, the diligences in executing of the processe failed: Because it was alledged, the new Moderator was not acquainted with the former proceedings. It was answered in the privie Conference, that every Brother of the Presbyterie should be acquaint vvwith the affairs of the Presbyterie, much more the fittest

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chosen for the purpose, according to the nature and estate of the affair in hand. Mr Patrick Galloway proponed three arguments. 1. The prejudging of the Presbyteries, that understood best the qualification of their Members, in their free election. 2. The fear of their Usurpation over their Brethren. 3. The prejudice of the General Assembly, being by appearance there is no other thing meant, but to make the Assembly consist of Bishops, and Moderators of Presbyteries. It was *Answered*, that the Moderator shall be answerable to the Synod for all his oversights and offences, and removable by them after lawful trial, that another may be preferred to his place. That every Presbytery shall have the free election of two or three Commissioners, to be sent to every Assembly. And that it shall be in their option to choose, or not to choose the Moderator. Some thought the Moderators should be present at every Assembly. These & the like Cautions being set down in the privie Conference, the Articles past in open Assembly; & it was agreed, that he, who before was named Agent, should be this constant Moderator. Two were, *non liquet*. Four refused to Vote, because they wanted Commissions from their Presbyteries. The Noblemen and Barones & 125. Ministers agreed; howbeit the most part of them wanted Commission; and that because there was not a formal intimation made of a General Assembly: For which cause, the Commissions, given to some, were not valid.

There was an Admonition given in the end to all the Brethren, to beware to speak any thing unadvisedly against his *Maj.* & to intertain peace and love. The Episcopal faction pretended ever peace, when they meant no other thing but disturbance. They could not be ignorant, but this imposing of constant Moderators upon Presbyteries, under colour of this meeting, which cannot abide the trial of a General Assembly, would augment the rent and distraction, that was entred.

The great Commissioner, and the Earle of Dumbar, thanked the Convention, in the Kings name, and desired the Ministers to pray for him, & to make known to their Brethren and people, so soon as they went home, what good was done at that Convention. Two Noblemen out of simplicitie, as I think, desired the copie of all things concluded before their departure. It was answered, that could not be instantly done: but it was promised, all should be put in print with diligence, that they might come to the knowledge of all men. But this was not performed. Yea, the chief Act could not be seen for half a year, until that it was returned from Court refined, as followeth.

The Act of this Meeting, as it was produced, a half year after, to the Synod of Fife, by the Moderator Mr James Nicolson and Mr Henrie Phillip Clerk.

At Linlithgow Sess. 13. Decemb. 12. 1606.

In like manner the Conference finding, that nothing more weakeneth the credit and strength of the Ministrie, and Discipline of the Kirk against Papists, and more emboldeneth the Adversaries to go forward in their erroneous course, than the appearance of division in the Ministrie among themselves, and the alienation which seemeth to be of his *Maj.* minde from some of them. Therefore the removing of all eye-lash and shew of

division,

division, and alienation of mindes, either among the Ministers themselves, or of his *Maj.* good affection and favour from any of them, was thought a soveraign remedie for the suppressing of Papiſtrie; and having searched and found out the cause of Distraction and Alienation of mindes foresaid in the Ministrie, to be partly a fear, that some of our Brethren were purposed, and upon a course, to subvert the Libertie, and Discipline of the Kirk of Scotland, by removing their Sessions, Presbyteries, Provincial and General Assemblies; or by usurping in their own persons some like tyrannous jurisdiction, as is no wayes lawful, nor to be tolerat in a true Christian Reformed Kirk; and to shake off obedience to all good order and comelines established, or to be established by the lawful Assemblies with his *Maj.* consent: and partly a grief that some of their Brethren, were banished forth of his *Maj.* Dominions, and others by long warding, and relegation from their habitations and charges; and finding likewise by the Declaration of his *Maj.* Commissioners, and such as were privie to his *Maj.* minde; that his *Highness* was no lesse grieved with diverse actions and forms of some of the Ministrie, for not having due regard and care to use such course in their actions, and Administration in the Kirk affairs, as might serve to entertain a solid peace and quietness betwixt his *Maj.* and them, as likewise mutually among themselves: and in special that the charge of that Government was oftentimes, and almost ordinarily committed to such, as for lack of wisdom and experience were no wayes able to keep their estate in any good frame or quietness; whereunto his *Maj.* imputed the chiefest cause of all the grieves and troubles, which have fallen out this long time among the Ministrie themselves, or any offences given by any of them to his *Maj.* and that his *Maj.* could not be satisfied, while this inconvenience were first removed, and a fit remedie provided, that the like hereafter should not fall out; which his *Maj.* summarily comprehended in this. If the affairs of the Kirk should be administrated by the Wisest & most Godly, whereanent also his *Maj.* special overture, as hereafter followeth, was proponed.

It is his *Maj.* advice to this Assembly, and pleasure, that there be presently nominated in every Presbyterie, one of the most godly and most grave, of greatest Authoritie and Experience, and meetest for Government, to have the moderation of his Presbyterie where he remaineth, till the present jarres and fire of dissention, which is among the Ministrie, to the great prejudice of the Authoritie, and discredit of the same, and the hinderance of the Gospel, and his *Maj.* high Offence, be quenched and taken away; and the Noblemen and others, professing Papiſtrie within this Kingdom, be either reduced to the true profession and obedience of the Gospel, or else so repressed by Justice and execution of Lawes, or by the labours of the Ministrie, and Discipline of the Kirk, that they be not able to hinder the course of the Gospel, or strengthen and enlarge the power and credit of false Religion: and that the chiefest burden of delation of the said Papiſts, and solistation for Justice, and execution of Lawes against them, be committed unto the said Moderators: and that the Bishops, in the Presbyteries, where they are resident in one of the Kirks of the Bishoprick, have this care and burden committed to them. And seing it will credibly fall out, that in the Presbyteries, through the greatness of parties, and longsomness and difficulty of the proçesse, the said Moderator, will sometime be constrained

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to referre the doing hereof to the Provincial Assembly, and the Moderators thereof. It is therefore his *Maj.* advice and pleasure, that the Moderation of the Provincial Assembly, and pursueing of actions of greatest difficultie, be committed to the Bishops, making lawful residence within the said Province; or to the worthiest of them, when it shall happen more then one to be within a Province. In respect that his *Maj.* has bestowed upon them moeyen and places, whereby they may be able to bear-out the charges and burden of difficile and dangerous actions, which other Ministers were not so able to sustain: and likewise by their credit, and place in Council, are able in such causes to procure greater celeritie and execution of Justice, as in such cases should be requisite, than others.

The Conference having advised, first anent the taking away of the foresaid fears and suspicion, and satisfaction of their grieves; and willing to understand of his *Maj.* Commissioners, and such as lately had been acquainted with his *Maj.* Intentions; and willing likewise to hear the Declaration of the Bishops hereanent, as touching their own intentions, and purpose in this matter, It was declared, that it was not in any wayes his *Maj.* purpose and intention, to subvert the present Discipline of the Kirk of *Scotland*, but rather to augment and strengthen the same; so farre as could serve for the well of the Gospel, & restraint of vice; and to see that such eye-lasts and offences, as in the Administration thereof were the occasion of just discontentment to his *Maj.* and an hinderance to the credit and authoritie of the Ministrie among the people, and among the Ministrie themselves, be removed and taken away, by such good overtures as are above expressed. In signe whereof, as there is nothing done, in derogation of holding of Sessions, Presbyteries, or Provincial Assemblies; so it was never his *Maj.* intention, but that the keeping of General Assemblies, at certain competent times, was and is a most necessary mean for the preservation of Pietie and Union in the Kirk, and extermination of all Heresie and Schisme in the same. And therefore his *Maj.* doth graciously declare, that as the Act of Parliament doth still stand in full force and effect, for conveneing of the said Assemblies once in the year, by his *Maj.* direction; so it is his *Maj.* will, that the day of conveneing the next Assembly, shall be in *Edinburgh* the last Tuesday of July.

Siclike, the whole Bishops declared, that it was not their intention to usurp and exerce any tyrannous and unlawful Jurisdiction, or power over their Brethren, nor to ingyre themselves any wayes unlawfully in the Government of the Kirk, or any part thereof; farther then should be committed to them by the Presbyteries, Provincial and General Assemblies: and if it shall happen to fall out, that they or any of them should be found to do in the contraire, then and in that case they were content to submit themselves to the Censures of the Kirk, as humbly, as any of their Brethren of the Ministrie.

In like manner it was declared, that his *Maj.* according to his accustomed longanimitie and patience towards such of the Ministrie, as happened to offend him, had delayed a very long time to give forth any sentence against the Brethren, now banished; still hoping, that by their good behaviour and humble suit for his *Maj.* pardon and favour, his *Maj.* might have occasion to shew his clemencie towards them: and albeit his *Maj.* being justly provoked, was moved to give forth his will anent their banishment; yet immediatly being requested in their favours

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by the Bishops, and others their Brethren present with them, it pleased his *Maj.* to declare, that the want of his favour proceeded upon their own defaults, who had never humbled themselves to seek his pardon, as became them. In respect whereof it was thought meet to direct the Bishop of *Aberdeen*, *Mrs Patrick Sharpe*, *Patrick Galloway*, *Robert Wilkie*, *John Strauchan*, *John Hall*, *John Hay*, with the Moderator of the Assembly, to write a Letter to the said Brethren, in name of this Assembly, giving them their advice, so to forme, and send their humble suit to his *Maj.* for his pardon, as might give his *Maj.* greatest satisfaction; and that the Assembly earnestly requested his *Maj.* Commissioners, and other Noblemen employed by his *Maj.* to this Assembly, so soon as their Supplications should come from them, of the tenor foresaid, to concur by their credit, and intercession with his *Higness*, to procure them to be made partakers of that gracious favour, which his *Maj.* at no time heretofore refused to any of that profession, whom he found willing to acknowledge and amend their oversight, and to have recourse to his clemencie. For the which declaration the Conference praised God, and thought good, that the Brethren should be written to, as is before said, and by the Brethren before named.

Thereafter having considered the overture proponed unto them, in his *Maj.* name, and finding it in shew to carrie some appearance of Novation in the Discipline of the Kirk, and fearing that it might bring with it some inconvenient: Therefore the Conference would not take on them to determine their advices thereanent, till first the matter were exactly reasoned in their presence, and sufficient remeed devised, for preventing of all inconveniences, which might be feared to follow thereupon: Whereupon a good number of the most learned, godly and wisest of the Brethren of the Conference, being appointed to Reason, & being heard one after another, and having exactly at good length reasoned, and examined whatsoever inconvenient might follow upon the establishing of the said Overture. It was considered and found at last, by an universal voice & consent of the whole Conference, without contradiction, that the said Overture was both Wise and Godly, & tending many wayes to the well of the Kirk, providing that certain Cautions were observed, for preventing of such evils as might happen to fall out, in case the said Moderators, or any of them, should either arrogantly presume to usurp any farther power, in the said Presbyteries and Assemblies, than is comely and lawful for Moderators in such cases to do, and presently use; and without innovating or altering at their own fancies, & at their own hands, the custome that discreet Moderators have, and ought to have used in that place; or otherwise be found remisse in proponing and prosecuting of any good purpose or overture, which should be given in by the Brethren, or any of them, to the said Presbyteries and Assemblies: and according to the doubts, which in reasoning were found out, and feared, the Cautions following were agreed upon.

That it be provided, that the Moderators of Presbyteries and Provincial Assemblies, to be Nominated & Chosen according to his *Maj.* overture, presume to do nothing in the Presbyteries and Provincial Assemblies, where they Moderat, without the special advice and consent of these Brethren.

That the Acts of the General Assembly, and Caveats therein prescribed anent Bishops, be observed.

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3.

That they shall use no jurisdiction nor power, farther then the Moderators of Presbyteries, and Provincial Assemblies have been in use, by the Constitutions of the Kirk before.

4.

In case it shall happen the Moderators of Presbyteries or Provincial Assemblies, to be absent in time of their Convention, then it shall be in the power of the said Provincials & Presbyteries, to nominate and choose out the wisest and gravest of the Brethren present, to be Moderator in their meetings, in absence of their Moderator.

5.

When the place of the Moderator, in any Presbyterie, shall happen to vaik, the election of another to succeed in his room, shall be made by the whole Provincial Assembly, with consent of his *Maj.* Commissioners, if any happen to be there present for the time.

6.

And when any of the said Moderators shall happen to depart this life, betwixt Assemblies, it shall be lawful to the Presbyteries to nominate one of the gravest and worthiest of that number, to continue in the Moderation of the Presbyterie, till the next Provincial Assembly.

7.

The Moderators of the Presbyteries shall be subject to the trials & censures of the Provincials; and in case it shall happen, that they be found to have been remisse in the discharge of their duties, or to have presumed to usurp over their Brethren any farther power, then is given them by the Assembly; it shall be unto them a cause of Deprivation from their Office of Moderation, and they shall be deprived thereof by the said Provincials.

8.

In like manner, the Moderator of the Provincial Assembly shall be tried and censured by the General, & if he be found there to have been remisse in his Office of Moderation, or to have usurped any farther power nor the simple place of a Moderator, he shall be deprived of the said Office of Moderation by the General Assembly.

9.

That the Moderator of each Presbyterie and Provincial Assembly with their Scribes, being chosen, faithful, wise and formal men, being strickt to be present at each General Assembly, as members thereof, and to have their Register of the Acts & Proceedings of the Presbyteries and Provincials, there present with them, that their fidelitie and diligence may be seen by the General Assembly, and the Estate of the Countrey thereby known.

10.

That it shall be lawful to each Presbyterie to send Commissioners to the General Assembly, by and attour their Moderator and Scribe, two or three, according to the Act of the General Assembly, anent the Commissioners from Presbyteries to General Assemblies, if they shall think it expedient.

11.

For it is hereby declared, that notwithstanding of any thing done at this time, the Sessions, Presbyteries, Provincial and General Assembly are to be observed, kept and obeyed, as they have been heretofore.

12.

That the Moderator of the General Assembly be chosen by Vote of the said Assembly, certain leets being first nominated and proponed freely, as use hath been in times by past.

13.

That in every Provincial Assembly, where there is no Bishop making residence actually and lawfully, and having the Moderation of one of the Presbyteries, the Moderators of the Presbyteries within the said bounds being proponed in leete, the meetest of them shall be chosen by the said

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Assembly to be Moderator, his *Maj.* Commissioners consent thereunto being had thereto. 1606.

And farther, the Conference, having examined the rolles of each Presbyterie, to see if any was meeter to use the Office of Moderation, than those who before have been nominated to have the care of the delation of Papists and Non-communicants; they found in their Judgement, that the same Persons were of all others in every Presbyterie meetest, as well to Moderat, as to have the care of delation foresaid, reserving alwayes unto the Ministers of each Presbyterie here convened, their own priviledge & power to nominat to the Assembly, a meeter, if any be in the Presbyterie, for Moderation. And therefore the said Conference findeth it expedient, that the Persons foresaid accept in & upon them presently, the said Office of Moderation within their Presbyteries respectively; and that the said Presbyteries be requested thereunto earnestly by this Assembly, and if need be, likewise Charged, that the Kirk of God be not long frustrat of the comfortable effects, that the foresaid Order is able shortly by the grace of God to produce.

This Overture being proponed & declared at length in presense of the full Assembly, every Article and Flead thereof was with an uniform consent and allowance approved of all without contradiction, except only so far as concerneth the Moderators in Presbyteries, and their continuance in the Office of Moderation, beyond the accustomed time. Whereanent certain doubts being proponed, and satisfied; and the Bishops having given their Declaration out of their own mouthes, anent their intentions and purposes to be subject to the Acts and Caveats of the General Assembly, and to make residence within such a space, as shall be limited to every one of them by this present Assembly: And if it should be found expedient for the well of the Kirk, that other meeter and more worthie than they possess and occupie their places, to demit their benefices at the pleasure of the Assembly, his *Maj.* consent and approbation being had and obtained thereto; wherein they promised (if need were) to be earnest suiters at his *Maj.* hands: Likeas some of them declared, that they had already most humbly craved the same of his *Maj.* for the respect they had to take away all offence from the Brethren: Providing alwayes if either upon his *Maj.* Advice & Proposition to the Assembly, or upon their own Supplication, the General Assembly be moved hereafter to grant them any relaxation of any of the Caveats, which upon good reason might appear to the said Assembly to be over strait, that this their promise shall make no derogation from the libertie, which the Assembly hereafter shall be moved to grant them.

It was Voted, and by pluralitie of Votes concluded, to wit, his *Maj.* Commissioners, whole Nobilitie, Earles and Barones to the number of thirtie three, together with 126. of the Ministry, Voting Affirmative, that the said Overture, anent the continuance of the Moderators, while the present divisions of the Kirk should be removed, and the whole Brethren brought to that unisie of mind and affection, which is agreeable to their calling, and may serve best to the furtherance of the Cause of God, and the overthrow of all contrary causes, and the Papists either fully repressed, or brought to the Obedience of the Gospel, should passe & be enacted as one of the Conclusions of this Assembly, the foresaid Caveats being alwayes kept by every one of the said Moderators; and the Contraveeners censured & punished, as is before expressed; four only of the whole

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Assembly by their Votes disassenting therefrom; and other four refusing to Vote for want of Commission from their Presbyteries, and two being *non liquet*. Extract forth of the Books of the Acts of the Assembly at *Linlithgow*, and subscribed by the Moderator and Scribe thereof.

James Nicolson Moderator.
Mr Henrie Phillip Scribe.

This Act contrived in this form hath sundrie clauses and words inserted, which were never mentioned at the Convention; as for example, that Bishops should be Moderators of Provincial Assemblies; that the Moderators of Presbyteries should be constant members of the General Assembly. Here the Bishops promise to usurp no tyrannous and unlawful jurisdiction. The Pope will professe that much, in words. But the meaning of the Brethren, proponers of the danger feared, was, that they should usurp no farther power, nor was granted in the Caveats set down before, and at this Meeting. And in the end of this Act they professe, that it is their intention and purpose to be subject to the Acts and Caveats of the General Assembly: Yet they think the Caveats strait, and would have a relaxation, which bewrayeth their intention was not good. The Moderators were first chosen to be Agents against Papists, that under colour they might have their pension of an hundred pounds yearly. So the pension assigned to the Agent, was devised to corrupt the Moderator, who was to be the Agent. The Office of an Agent and Moderator could not conveniently be in the Person of one man. For the Office of the Agent withdraweth him from Moderation, and forceth him to attend oft upon the Council. And therefore both the Offices should not have been laid upon one man, if there had been sincere dealing. They appoint their Moderators not only to be perpetual, which was against the Order established before, that they should continue only from Synod to Synod, for eschewing of tyrannie: But also nominat the Persons; which they acknowledge to belong to the Presbyteries. Every Presbytery is best acquaint with the qualification of their own members. The Ministers of the North cannot choose the fittest Persons to be Moderators in the Presbyteries of the South, *et contra*. The Persons who were nominat, were almost all present, and made no opposition, after they were appointed to be Agents; and had an hundred pounds assigned to them. Some few others were nominated for the fashion, who were absent, and who never accepted that Charge. It was never heard in our Kirk, that the changing of the Moderator, every half year, was the occasion of any Jarres, either among the Ministerie, or between the King and the Ministerie. That which never was, is now pretended, to the end that the Moderators being constant and perpetual, the Bishops might work upon them, and by them corrupt and pervert the Presbyteries. That the Persons nominated should be charged with Letters of horning, if need were, to accept the Charge, was not the meaning nor intention of that Convention: For it was not acknowledged to be an Assembly, during the time of their sitting. The Bishops professed at this Assembly, they intended not to ingyre themselves in any part of the Government of the Kirk, farther then should be committed to them by the Presbyteries, Provincial and General Assemblies; and to be subject to the Censures of the Kirk, in case they be found to do in the contrair. How well they

have

have observed this, the world may bear witness. Here they promise to make residence within their Dioceses; and to under colour of this meeting, which had not power to loose, and transport them, they deserted their Flocks. A shew was made of dealing for the Brethren banished, confined and warded; but no effect followed. Yea, in effect by this Act the banished Brethren were condemned, while as it is craved, that they confesse an offence, whereunto the eight Ministers at Court would not condescend. But this and other like matters pass without voting. Here the necessity of a General Assembly was acknowledged, and it was declared, that it was his Maj. will, that the Assembly should hold the last Tuesday of July; seeing the Act of Parliament doth still stand in full force, for convening of the said Assemblies once in the year: yet how this was practised, the following historie will make manifest. What purpose could there be to work peace at this Assembly, that nominats in the missives to the Presbyteries, men of meanest gifts, such as *James Reid* in the Presbytery of Hadintown; old *Mr James Betoun* in the Presbytery of Kelso; *Mr John Aikman* and *Mr John Dalziel* in Gallovay; *Mr Andrew Mitchel* in Fife; *Mr Andrew Forrester* in Dumfermline Presbytery, and the like in other Presbyteries, where they could not finde men of gifts pliable to their purpose. The Ministers there convened, some few excepted, either had no Commissions from their Presbyteries, or only a permission or Commission, conform to the intent of the Missive, which do not import the holding of an Assembly; but rather that this meeting was to be a preparative for an Assembly. Neither could any Commission be valid without formal indiction preceeding, that all Presbyteries might be forewarned.

Immediately after the dissolving of this Assembly, the Collector, the Lord Blantyre, the Clerk of Register and *Mr James Nicolson* come to Edinburgh, and upon the Presbytery-day, the 17. of December, urged them to receive the Moderator, nominat in the Convention holden at Linlithgow, viz. *Mr John Hall*. *Mr Robert Balcanquhall* then Moderator, being solicited before, made no opposition, but rather desired the Brethren to accept him. Others craved a sight of the Act. The Act was read over so suddenly by *Mr Henry Phillip*, that they could not perceive distinctly the points of it; yet it pleased them not. Some affirmed there was more in the Act, then was concluded at Linlithgow. *Mr John Murray*, Minister at Leith, proved, that the Act was the overthrow of the libertie of the Kirk. The Kings Agents assured the Presbytery, that the King threatned to overthrow the Presbyteries, if this course were not agreed unto, and that he would punish the gainlayers. At last without farther advisement, *Mr John Hall* by pluralitie of Votes was admitted Moderator, till the next General Assembly, which was appointed to be holden the last Tuesday of July, in manner and according to the conditions following, and such others as the said Presbytery think meet to prescribe to him at his entrie to the said Office of Moderatorship; that is to say, that he faithfully promise, and bind himself to the Presbytery foresaid, that in all things he shall be subject thereto, as one of the rest of the Brethren; and that he shall not presume to do any thing, in any matter, cause or question whatsoever, that shall come before them, without the advice, consent and full approbation of the Brethren of the said Presbytery: & in case the said General Assembly hold not at the said time, that then the said Office

The Presbytery of Edinburgh urged to accept the constant Moderator.

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of Moderatorship shall expire, and another shall be chosen to accept the said Office, according to the established Discipline of the Kirk of Scotland.

The next Wednesday, the Presbytery of *Dalkeith* was urged to accept their Moderator. They craved a sight of the Act to be advised with, but it could not be had.

About the end of *December*, the Abbot of *Halyrudhouse* & *Mr James Law* Bishop of *Orkney*, went to Court with the proceedings of *Linlithgow* Convention. The King was not satisfied with that, which was granted at that Meeting. The Act, concerning the Moderator, was revised, and sent back, an half year after, in forme, as ye have it here set down above.

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Mr James Lawes Attestations.

Upon the fifth of *Januar*, *Mr James Law*, stiled the Bishop of *Orkney*, visiting *Mr James Balfour* and *Mr James Melvine* at *London*, began to relate what strict order was taken with the Papists, at the Convention holden at *Linlithgow*. *Mr James Balfour* answered, *in nomine Domini incipit omne malum*. Order taken with Papists is pretended, but the dirt will light upon us and others, who stand for the Discipline. Ye shall call me a false knave never to be beleevd again, said *Mr Law*, if the Papists be not so handled, as they were never in *Scotland*. That may well be, said the other. Conferring with *Mr James Melvine*, with horrible Attestations he said, he understood nothing of any purpose the King had to alter the Discipline of the Kirk of *Scotland*, but only to vindicat the Kirk from contempt and povertie: and therefore they were much to be blamed, who suspected his *Maj.* proceedings, and their Brethrens. But their deeds bewrayed the contraire.

The Presbyteries were urged to accept their constant Moderators, under the pain of Rebellion, and putting of them to the horne; and in like manner the person nominated. Many Presbyteries through fear yeilded some of the Moderators themselves refused to accept.

Upon Tuesday the third of *March*, the Brethren, detained at *London*, were charged of new again, to go to the Bishops Houses. One *William Sanders* came to *Mr James Melvines* chamber, and shewed him, that he was directed by *Sir Antonie Ashley*, one of the Clerks of the Council, to deliver him the copie of the Councils Letter to the Bishop of *Darham*, and that he had direction to charge him, in the Kings name, to go with him to the said Bishop. The pretended cause of the Councils Letter, was, that his *Maj.* was desirous for settling of the Church affairs, in the Kingdom of *Scotland*, to have these six or seven Ministers sent for reclaimed from such opinions, which they held, repugnant to the good Government of the Church; seing they had not given his *Highness* satisfaction in sundrie points, which he expected; and in regard thereof were not yet to return to their own Countrey. *Mr James* sent a Letter to *Sir Antonie Ashley*, wherein he desired to understand, what the matter should mean, seing he was called for by his *Maj.* loving Letter, to come from his own Countrey & Calling; had attended these six moneths by past his *Maj.* pleasure, to his great charges; never accused of any misbehaviour or crime; and yet was charged to become a Domestick to a Bishop in *England*, known to be of a contrarie opinion and affection, in the Government and Discipline of the Kirk, which he taketh to be an harder punishment than either imprisonment or banishment. As for not satisfaction of his *Maj.* or reclaiming of them from their opinions, who can satisfie

Presbyteries charged to accept the Moderators.

The eight Ministers charged of new to remain with the Bishops.

farther

rather then they are able? or what opinion hold they of the Church Government, other then that which hath been established in the Church of Scotland, these many years by past, and that by warrant of the Word of God, his Maj. Lawes, the Confession of faith professed, subscribed and sworne by the Kings Maj. and whole Estates of the Kingdom of Scotland? He desired therefore to be informed of the order of Proceeding, that he may be readie to obey, or to suffer: for he is unwilling to precipitat the cause of the Church, & his own poor Person & honestie in hurt, danger or disgrace, *et si quid morte gravius imperetur*, said he, *mortem optetere potius ducimus*. Mr Ashley answered, he knew no farther then was contained in the Letter to the Bishop. Mr James, accompanied with Mr William Scot, went to the Bishop of Durhame, to testifie his readines to give Obedience to his Maj. but withall requested him to deal with his Maj. & Councel for licence to him to returne, to attend upon his owyn familie, and many thousand soules committed to his charge; for the societie vvould be unpleasant, vvhere their opinions and affections vvare so different.

Upon the eight of March, Mrs James Melvine, James Balfour, William Scot, Robert Wallace, Adam Colt, William Watson gave in a Supplication to the Councel of England. Mr John Carmichael had obtained licence to returne home; because his vvife vvvas in danger of her life. In their supplication, they complain of the charge, that being free Scottish men, & Pastors of a right reformed & long renouvned Kirk, coming hither upon his Maj. call, should be used after such a manner: For they take it as a punishment harder then either Imprisonment at home, or Banishment in forreign parts. If they have perpetrated any thing against his Maj. the Estate or Lavves of the Realme, they vvvere content to be orderly tried, and punished. Why should they, not as yet accused, much lesse condemned, make themselves Bondmen of Masters, and live like loiterers at the Tables of strangers, having honest callings, houses and provisions at home? As for giving satisfaction to his Maj. they had endeavoured both by vvord and vvrit, so far as they could. They vvould understand, vvchich are these opinions, vvchich they hold repugnant to the good Government of the Kirk of Scotland. They Humbly mean the heavie disease of some of their number, their great charges, the imparing of their Estate at home; and intreat their Honours to interceed for their licence to returne. Their Supplication, at the Councels direction, was delivered by the Earle of Salisberrie to Bancroft Bishop of Canterberrie, to be answered. The Bishop sent for two of their number: so Mr James Melvine and Mr William Scot went to him the 9. of March. He shewed them, that it was the Kings pleasure, that they should not be licensed to returne as yet, and in the mean time to be intertained by some of the Principal of the Clergie. They answered, no Injurie was worse then compelling Courtisie. They would rather attend his Maj. leasure upon their own cost and charges, as they have done some moneths alreadie, than to trouble such, to whom neither could they be pleasant guests, nor they pleasant hoasts to them. They had honest houses and tables of their own, according to the fashion of the Countrey, and condition of their callings, more accustomed to give meat, then to take of any. Some of them were aged and diseased; and therefore it is not fit, that men of such Honour & Worship should be troubled with them. Likewise it is manifest, that where opinions differ, there cannot be found agreement in affection.

Conference of
some of our
Ministers
with Bancroft.

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Truely, said *Bancroft*, ye speak true, and like honest men as ye are. And I think, my Brethren the Bishops would have little pleasure of you, except it were to pleasure the Kings Maj. for our custome is, after our serious matters, to refresh ourselves an hour or two with cards, or other games, after our meale: But ye are more precise. But it were good, that the King were satisfied, in his Royal endeavour to unite us together in one Church and Policie. We do think the same, said they, so that the ground of union, which is the Truth of Gods Word, and fundamental Lawes of Equitie and Policie, be kept. There is no union that can be made to stand sure without that ground. The ground being shaken, will make of one, twentie pieces. I know your meaning, *Mr Melvine*, said *Bancroft*, by your Letter sent to *Mr Affley*. We will not reason upon the matter now: But I am sure, we both hold and keep the ground of true Religion, and are Brethren in Christ; and so should behave ourselves to other. We only differ in the forme of Government of the Church, and some Ceremonies. But as I understand, since ye came from *Scotland*, your Church is brought to be almost one with ours, in that also: For I am certified, that there are Constant Moderators appointed in your General Assemblies, Synods and Presbyteries; even as I am highest under the King in this Church, and yet nothing above the rest of my Brethren the Bishops, save in pains and travel: So that I was in a better Estate, when I was but Bishop *Bancroft*, even as a standing Moderator of the General Assembly; as *Mr Patrick Galloway* and such others may be in *Scotland*. And in every Diocie there is a Bishop, Moderator of his Chapter & Presbyterie, answerable to the King &c. Upon these speeches, *Mr William Scot* entered on a solid discourse. The Bishop chapping upon his arme, and smiling, said, tush man, take here a cup of good seek, and so filling the cup, and holding the napkin himself, he caused him drink. He promised to travel with the King, so far as he could, for their Libertie. They were no more urged to go to Bishops houses, after that.

M.A. Melvine leaveth the Dean of Paul's.

Upon the moneth of *March* a Messenger, sent by the Lords of the Privie Councel, came to the Dean of *Pauls* House, and charged *Mr Andrew Melvine* to go with him to the Bishop of *Winchester*, to remain there, till his Maj. pleasure be farther known. *Mr Andrew* thought this a warrant good enough to leave the Dean of *Pauls* House. But he was not troubled with the Messenger againe, and so kepted companie with his Brethren.

Presbyteries charged to accept the constant Moderators.

In the moneth of *March*, many Presbyteries were charged under the pain of horning to admit the constant Moderators. Some obeyed willingly: others yeilded for fear: some took instruments, that if the person appointed will enter to that Office, it was violent dealing, and without their consents: some refused *simpliciter*. Some bounded the Moderator by Oath and Subscription, to demit whensoever they pleased; as the Presbyterie of *Dumfermline*; yet delayed execution, till they might have the approbation of the Synod. The Presbyterie of *Perth* was urged straitly by the Lord of *Scoone* Comptroller, the Laird of *Balvaird* and the Laird of *Balmanno*, to admit *Mr Alexander Lindsey* Bishop of *Dunkeld*, to be their Moderator. They craved a sight of the Act; but it could not be had. *Mr James Nicolson* Moderator of the meeting at *Lithgow*, being present one day when they were most urged; yet neither would he promise to extract the Act, nor repeat the contents. Whereupon they were forced (when *Mr Alexander*, being charged with Lex-

ters of horning, took on him the office) to take instruments of unlawful form of entrie. The Officer that charged them, perished by drowning, within few dayes after.

Walter Stewart Lord of *Blantyre*, *Sir Thomas Hammiltoun* of *Monkland* Knight, and *Mr John Prestoun* of *Pennicook* Collector General, and Senators of the Colledge of Justice, came, as Commissioners from the Secret Councel, to the Synod of *Lothian*, holden in *Edinburgh* in the beginning of *March*, to urge the Presbyteries, which had not yet accepted the constant Moderator, to accept. It was answered, that they had not gotten inspection of the Act, upon sight whereof they were to give a reasonable answer. *Peebles*, *Hadintoun* and *Dalkeith* Presbyteries had not as yet accepted. *Edinburgh*, *Dumbar* & *Linlithgow* had satisfied the Kings Commissioners.

The Synod of Perth urged to receive their Moderator.

Upon the first Tuesday of *April*, the Assembly of *Perth* convened at *Perth*. The Comptroller *Sir David Murray* Lord *Scoone* had a Commission from the King, that in case *Mr William Row*, Moderator of the last Synod, touched in his Doctrine the Kings proceedings, or disallowed any Acts of preceeding Assemblies, specially of the Convention holden at *Linlithgow*, to pull him out of the pulpit. *Mr William* answered to the Person that gave him the advertisement, that he would give no just occasion of offence to any man, and should be readie to answer to all the points of his Doctrine. He taught upon the Bishop of *Bethel* *Amos*. 7. *Scoone* would sundrie times have risen to put hands in him: But was stayed by *Balvaird* and *Balmanno*. With his own advice it was thought meet, that they should convene with all haste after dinner. When they were convened, they proceeded to the election of their new Moderator, according to the forme. Comptroller *Scoone* being advertised, cometh with diligence, after they had gathered the Votes of *Stirling* and *Perth* Presbyteries, and challenged them; because they stayed not till he produced his Commission. It was answered, they convened with all possible haste with his own consent; they could not sit idle, they were doing nothing, but that which could not be left undone. If he had a Commission from his *Maj.* or from the Councel, it was the part of the new Moderator to receive it. The Comptroller and his conjunct Commissioners answered, that their Commission touched the election of the Moderator in particular; and he threatned to discharge the Synod, in case they would not read his Commissions, one given by the King, another by the Council. The Commissions being read, they craved a sight of the Act; but it could not be had. Sundrie of their number, who were at *Linlithgow* Convention, reported they heard no such thing mentioned, as was now urged, concerning the Moderators of Synods. One *Mr Alexander Lindsey* said, it was once cast in upon the end of another matter, he knew not how. One asked, if confusedly? Yes, said he. Which ministered matter of laughter. After reasoning it was concluded, that the questions should be proponed after this manner. Whether they shall choose one of the four Moderators of the Presbyteries, nominated at *Linlithgow*; or Another, according to the custome and Acts of the Kirk. All, except *Mr Alexander Lindsey*, Voted to the last. *Scoone* threatned, they should have no Assembly, unlesse they choose one of the four, and repeated often these words, ye shall not make *Laurestoun* of me. It was answered, none of them could be Chosen: For *Mr John Davidson* younger had departed this life, *Mr Patrick Simpson* was deadly diseaf-

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ed, *Mr William Glas* had never accepted the Office, *Mr Alexander Lindsey* had entred by violence, as the Protestation of the Brethren of the Presbyterie beareth. The Synod commanded *Mr William Row* to call the catalogue, and proceed with their own leets. The Comptroller and his conjunct Commissioners desired the Synod to stay, and advise till to morrow. *Mr William Row* requested for the like. When they were convened the day following, *Mr William Row*, in the name of the Assembly, requested the Commissioners not to stay them from proceeding to their free election, according to the laudable Custome of the Kirk, and Acts of the Assembly. The example of other Noblemen, Authorized with the like Commission, was alledged, who were content, in respect of these and the like Reasons, to desist. But the Comptroller *Scoone* threatned, brawled at his pleasure, commanded silence, and called some learned and grave men, *swing*ers. Whereupon *Mr William Row*, perceiving his Brethren, thus abused, to be grieved, exhorted him to abuse the Brethren no farther; but to speak with Reverence and Reason, and not to transgresse so manifestly the bounds of his Commission. At his desire the Commission was read again. He and his conjunct Commissioners could alledge no Reason; only *Balmanno* said, it was a matter indifferent. It was answered, that it was against the Acts of the most famous General Assemblies, which ordained, that every Presbyterie & Synod should choose their Moderators, twice every year, *ad evitandam tyrannidem*: Against the Acts of Parliament, approving the whole Discipline of the Kirk: That his *Maj.* and whole Estates had sworn and subscribed the whole Discipline. If the Act of *Linlithgou* contained Reasons, which might move them to change their Judgement, they craved a sight of the act. The Commissioners answered, they had it not to produce. It was replied, they were hardly used, in that they were commanded to obey an Act, which they had never seen nor known: neither could they take upon them to allow of that Meeting at *Linlithgou*, men convening there wanting Commission, until the lawfulness or unlawfulness of it were decerned in a free General Assembly. The Commissioners answered, that they should not be ignorant of the Acts of the Kirk. It was replied, that *Mr William Couper*, Moderator of the Presbyterie of *Perth*, wrote to *Mr John Nicolson* for an extract of the Act, but it could not be had. That when the Presbyterie of *Perth* was urged to accept their Moderator, *Mr James Nicolson* being present, and desired to repeat the Act by Word, or to give them it in writ, He refused. *Mr William Row* attested before God the Ministers that were at *Linlithgou* to testify the Truth. They all in one voice, being twelve or fourteen, deponed upon their Consciences, that no such thing was proposed, either in the Privie Conference, or in the publick Meeting. Only *Mr Archbald Moncreiff* affirmed the contrair. *Mr Alexander Lindsey* and *Mr George Grabame* were obscure in their answers. Instruments were taken upon the depositions of those that were at that Meeting, and insert in their Book. The Brethren urge *Mr William Row* to proceed, and gather the Votes. Those who were on the leets being removed, he taketh the Catalogue in his hand, and proceedeth where he had left the day before. The Comptroller rageth, & would have risen out of the Chair, to pull the Catalogue out of his hand. But *Mr William* holding the Catalogue in his left hand, and the Comptroller with his right hand in the Chair, called all the names: so *Mr Henrie Levingstoun* was chosen Mo-

derator,

derator, called in, and commanded to enter to his place. The Comptroller threatned, if any man durst be so bold as to come there, and went out of his seat to stay *Mr Henrie*, when he saw him coming forward. But *Mr Henrie* took him to the mids of the table. Let us begin at God, & be humbled in the name of *Jesus Christ*, said he. The Comptroller, in a great rage chapping on his breast, said with a loud voice, *the Devil a Jesus is here*. When *Mr Henrie* was proceeding in prayer, he throwed the table with the green cloth over upon him, & the rest that were upon the south side, all humbled upon their knees: But they never stirred, notwithstanding of his violence. Therefore like a mad man, he caused some of the guard remove the Table, and cried for the Bailiffs. They continue in their prayer, and besought the Lord to be avenged upon the blasphemie of his Name, and contempt of his Glorie, which was trampled under foot by profane men. The Comptroller never discovered his head all the time of the prayer. At last he removed with his conjunct Commissioners, advised upon some instruments, which were read before the Assembly, when he returned. The Assembly on the other side took Instruments of the violence, and injurie done to them. When the prayer was ended, the Bailiffs came, and were Commanded by him to ring the Common bell, and to remove these Rebels. They pretended, that it behoved them to convene the Council: But returned not again, howbeit he was Provest for the present time. The Presbyterie of *Perth* is removed to be tried. The Comptroller locking the door, they got entrie to a loft, where they signified their presence, and were tried. The rest of the Presbyteries were removed to a corner of the Kirk, and tried, or referred to another occasion. When they returne to proceed, they found the Kirk doores shut. Some of the Town Council were sent to crave the keys; but in vain. The Bailiffs offered to make patent doores. The Citizens were enraged: But Ministers stayed all kinde of violence. There was a great concourse of people accompanying them with tears. After consultation, they conveyed at the South Kirk-doore, whither with diligence were brought Tables, fumes and stooles; the people weeping and cursing the Instruments of that disturbance. After their sitting down, and the prayer ended, the Moderator said, this is the fruit of the Meeting at *Linlithgouv*. Let us see what Presbyteries have admitted Moderators of their choosing. None were found, but the Presbyterie of *Perth*. They were willing to be censured; and related how they were urged. It was concluded, that every Presbyterie, the first day of their meting after this Synod, according to the Common order, choose their Moderator. Next, seing that it was alledged, that the Brethren detained in *England*, maintained opinions contrair to the Government of the Kirk of *Scotland*, it was thought good, to declare that their Judgement was uniform, to write a comfortable Letter to them, and an humble Supplication to the Kings Maj. for them. Thirdly, they made choise of three Commissioners out of every Presbyterie, to be sent to the next General Assembly, which was appointed at *Linlithgouv* to be holden in *July*. Fourthly, because the Comptroller had threatned to have them before the Council, they appointed four of their number to attend upon the next Council day, and to complain on them. No redresse was had from the Council: But on the contrair, *Mr William Rouv* was put to the horne, and search was made for his apprehension; so that he was forced to lurk among friends, a great while after.

Upon

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Upon the Lords day the 26. of *April*, in the morning, one of the Earle of *Salisberries* attendants, came to *Mr Andrew Melvine*, and intreated him in his Masters name to come to his Masters Chamber in *Whitehal*, at nine of the clock. Hewent, looking for some friendly conference, and walked in the gallery beside the Earles Chamber, meditating upon the Second Psalme, and praying, till the Earle was going to his dinner. While he was at dinner with *Mr James Melvine* *Mr William Scot* and *Mr Robert Wallace*, he told them what had been his meditation, and rehearsed the verses he had made upon *Saint George*, and inveighed vehemently against the corruptions of the Kirk of *England*. Eat your dinner, said *Mr James*, & be of good Courage; for I warrant you, ye shall be called before the Council, for your verses on the Altar. Well, said *Mr Andrew*, my heart is full, and swelleth. I will be glad to have an occasion again to exoner my minde freely, for the great dishonour I see done to Christy the bearing down of the sinceritie and freedom of the Gospel, the losse of so many soules; the stopping of the wholesome breath of Gods mouth; and maintainance of Popish superstition and corruption. I warrant, said *Mr James*, they know your freedome; and therefore minde to take their advantage of it, that thereby you may be detained from returning to *Scotland*. If God, said he, have any more to do with me, he will bring me thither again: If not, let me Glorifie him where-ever I be. About mid-dinner, one cometh from *Salisberrie*, & after him cometh *Mr Alexander Hay*, to tell him, that the Council was sitting. The rest were discharged to enter within the Palace. About three of the Clock *Mr James Melvines* sonne, who was appointed to attend on him, returned to his father, reported vvith tears, that he was carried by vvater to the Toyver. They had a sorrowfull supper that night, the rather because they understood not the cause, nor yet could learne, till a long time after. The report vvent, that he had incensed the King, and canvassed all the Council.

The Ministers of *Fife* hindered to hold a Synod.

Sir Mavid Murray Lord of *Scoone* the Kings Comptroller, and *Mr George Gladstones* stiled Bishop of *St Andrews*, convened at *Falkland*, soon after the Synod of *Perth*, fearing the like opposition in the Synod of *Fife*, to that which was made at *Perth*: they procured Letters to be proclaimed in every Town in *Fife*, where the Presbyteries wont to be kept, to discharge their meeting. The Letters were execute upon saturday, immediatly before the last tuesday of *April*, the day appointed for the Synod. Whereupon some of the Ministers came not to *Dysert*, the place appointed. Those who came, were debarred from all meeting, upon a strait charge given to the Bailiffs: Whereupon they were forced to take them to the sands, betwixt *Dysert* & *Ravensbough*, the raine pouring upon them. They spent two hours in advising, whether they should hold the Synod, or not. It was concluded by plurality of Votes, that they should. But such as dissented, protested they would leave them. The rest therefore consented to a Prorogation to the first Tuesday of *June*, as was intimat in the discharge, upon condition, that all convene upon that day notwithstanding of any new Proclamation, or danger that may ensue thereupon. It was agreed, that some of their number should be sent to the Council, to declare their malecontentment; and if the Council continued in such dealing, that they would draw them in the snare of disobedience, notwithstanding of horning, warding &c. The Council would give no answer, but enjoined the Clerk to signifie to them, that

they

they intended not to prorogat the Synod againe, for any thing known to them.

About this time the Presbytery of *Perth*, fearing to be put to the horne, put Mr *Alexander Lindsey* in the leers with some others, to keep a shew of their libertie, and choosed him Moderator.

Upon the sixth of *May*, the Ministers sent for to Court, were confined: Mr *James Melvine* was confined in *Newcastle*, upon *Tine*; Mr *James Balfour* in *Cockburnspeth*; Mr *Robert Wallace* in *Lauder*; Mr *William Wattson* and Mr *Adam Colt* in their own Parishes; Mr *William Scot* in his own Parish of *Couper* in *Fife*; providing he returned a Testimonial of his good behaviour from Mr *George Gladstones* Bishop of *St Andrews*: Otherwise he was commanded to return to *London* before the 15. day of *July*. Mr *John Carmichael* had obtained licence before to returne, because his wife was in danger of her life: but upon condition, that he went not to Synods or Presbyteries, and returne again the fifteen day of *March*. But Testimonials being sent to Court, that he was diseased, he stayed.

The General Assembly was prorogat by Proclamation upon the penult of *June*, to the 24. of *November* next-to come, and then to be holden at *Dundie*. The Reason alledged was, the distraction among the Ministrie, the bringing in question, or opposing of the Acts and Proceedings of that most grave, frequent and free Assembly, holden at *Linlithgow* in *December* last by past; and the increase of the adversaries of the Truth, which hath proceeded of nothing so much as of the dissension among the Ministrie. All the Provincial Synods were charged to meet at their appointed places, the fourth of *August*, and to choose two of their number of the wisest and best experience, to convene with the Commissioners of the General Assemblie, and such of the Councel as it should please his Maj. to nominat, at *Halyrudhouse* the 27. of *August* next-to come, to conferre, reason & conclude by common advice, upon the most convenient remedies against these evils, which, for lack of sufficient preparation, might fall out at the next General Assembly. But the wise and judicious looked for no Assembly, till men were prepared by the King and the Bishops for their purpose.

There was not a Synod in *Scotland*, that had accepted as yet the Provincial Moderator, except *Angus*, and that not without opposition. The Act was read there; but a copie by no means could be obtained. Mr *James Nicolson* became shamelesse and impudent; an horrible example of fearful Apostasie.

Upon the 11. of *June*, Mrs *William Rorv* and *Henrie Levingstoun* were summoned to compear before the Council, for the proceedings at *Perth* Synod. Mr *Henrie* compeared, & with great difficultie obtained the favour to be warded in his own Parish; but with injunction not to repaire to the Presbyterie or Synod, till his Maj. farther pleasure were known. Mr *William* was advised not to compear, unlesse the Councel would relax him from the horne, and make him free of the Comptroller, who had Letters of Caption to apprehend him, & to commit him to *Blackness*; which was refused.

The corrupter sort of the Commissioners of the General Assembly, of which number some were Bishops, under the colour of a Commission granted Anno 1602: Which was but temporarie, and to endure only till the next General Assembly, continued notwithstanding of the last Convention, holden at *Linlithgow*, which they alledged to have been a free

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Perth Presbytery accepted their Moderator

The Ministers sent for to Court, confined.

The General Assembly prorogat.

The Synods refuse constant Moderators.

M. H. Levingstoun confined.

Mr Patrick Galloway appointed Minister of Edinburgh

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General Assemblie; and exerce the points of an old Commission, as they thought good. They conveened at *Halyrudhouse* about the end of *June*, and appointed *Mr Patrick Galloway* to be a Minister of *Edinburgh*, before they make the *Presbytery* acquaint with their proceedings. Alwayes, we see how the *Kirk* was abused by these Commissioners, usurping power when their Commission was expired.

Five of the imprisoned Ministers come in the Kings will.

Upon the Second of *July*, *Mr Nathan Ingles*, *Mr James Greg*, *Mr William Forbes* were called before the Council, and by perswasion induced to subscribe as followeth. For as much as our proceedings at the Assembly of *Aberdeen*, and ratification thereof, wherein we intenced not to have offended his Maj. have been conceived by his Highness and your *LL.* to be an offence, we are sorrie, and come in his Maj. will, for the same, in our Lives, Bodies, Lands and Goods. Subscribed with our hands at *Edinburgh* the 2. *July*. 1607. *Mr Robert Youngfoun* & *Mr James Irwing* stood to the Lawfulness of that Assembly; & as for the write of the Commissioners, and Letters from the Council, they professed they took them not to import Disobedience: Yet if their *LL.* finde it to be so, they are content to underly farther punishment. *Mr Charles Ferholme* & *Mr John Monro* were detained still in their wards.

M. I. Balfour's confinement changed.

About the beginning of *July*, *Mr James Balfour* was charged to remove from *Cockburnspeth* to *Aufurd* in the North. But the aged man, vexed with the gout, and troubled with sickness, went no farther then *Innerkeithing*, where he stayed.

The meeting of the Synods prorogat. An Act for the chapter of St Andrews.

Because the Parliament was to begin the first of *August*, the meeting of the Synods was continued till the eight day of *August*.

Upon the first of *August* the Parliament met, *Ludovick Duke of Lennox* was the Kings Commissioner. Because the priorie of *St Andrews* was to be erected in a temporal Lordship, and the conventual Brethren, and Canons of the monastery of *St Andrews*, were the ancient Chapter and Council of the Archbishop; full power vvas given to *Mr George Gladstones*, Archbishop of *St Andrews*, to elect and nominate seven qualified Persons, at the least, dwelling and having charge vvithin the Diocie, to be the perpetual Convent, Council and Chapter, and their successors entring in their room.

M. I. Nicolson's death.

At this Parliament, the Kirk of *Meege* vvas annexed to the Bishoprick of *Dunkelden*, in favours of *Mr James Nicolson*, heavily diseased in the mean time. He, seeing his devices crossed, neither the King nor the Kirk contented; but his oovn estimation much impaired, an heave melancholie seized on him, vvich did vying his life from him. Before his departure, he uttered these or the like vvords, *The digesting of the Bishoprick hath vvracked my stomach.* He vvould not suffer the stile of Bishop to be put in his Latter vvill. *Mr David Lindsey*, then Minister at *Dundie*, his familiar friend, set down his last speeches in Latine verse, and among the rest his exhortatioin to himself, not to haunt the Court, and to eschevv all imployments. But this exhortation vvrought no good effect upon himself: For he made no scruple to accept the Bishoprick of *Brechen*, some years after. *Mr James* departed this life upon the 16. or 17. of *August*, the time appointed for the meeting of the Commissioners from Synods, vvhere he should have been present, to advance all his devices.

The Synod of *Lothian* vvas holden at *Dalkeith* the eighteen of *August*. *Mr George Greir* Minister at *Hadintoun*, the last Moderator, had the

exhor-

hortation. He alledged out of *Beza de gradibus*, that a constant Moderator was the first step to the Popedom. When they were to choose a new Moderator, the Kings Commissioners produced their Commissions, together with a copie of the Act of *Linlithgow*. The Synod answered as followeth.

Dalkeith, 18. August, 1607. Sess. first, ante meridiem.

The which day, the Act made at *Linlithgow* in December last 1606 being read in the audience of the whole Brethren convened, and sundrie of the Brethren, who were present at the said meeting of *Linlithgow*, being posed in conscience before God, whether it was proponed, voted and concluded in the said Convention, that a constant Moderator was appointed to be as well in all the Provincial Synods, as in all the particular Presbyteries of this Realme. They answered, that they never remembred, that there was any such thing proponed there; much lesse that it was ever voted or concluded by the Brethren of the Kirk of Scotland, convened at that meeting. And because they thought the words of the said Act made at *Linlithgow*, as said is, to be somewhat obscure and ambiguous, they thought fittest to referre the explanation thereof to the next General Assembly, when and wheresoever it shall be convened. And so the choosing of the Moderator was deferred till afternoon; and the Brethren, after Thanksgiving and Prayers to God by the said Mr George Greir last Moderator, were dimitted & appointed to meet againe in the said place, immediatly after dinner. Extract forth of the Books of the Acts of the Provincial Assembly of Lothian and Tweed-dail, by Mr Charles Lumisdane Clerk, keeper and Extracter thereof: which I testify by my subscription.

Upon the same day, the eighteenth of August, the Synod of Fife was holden at *Dysert*. Thither came the Lord *Lindsey*, Lord *Halyrud-house*, Lord *Scoone* and Mr *John Prestoun* Collector, as Commissioners for the King, to place Bishop *Gladstones* Moderator. Many shifts were used by these Commissioners to draw Mr *William Cranston*, who was to have the exhortation, out of the Pulpit, that Mr *John Mitchellson* might Preach: but he kepted his own place. After Sermon, the Kings Commissioners shewed they had Commission to see the Bishop of *St Andrews* placed Moderator. Mr *William Cranston* desired the Act of *Linlithgow* to be produced. After it was read, the Brethren answered, that it was constantly affirmed by the Brethren, who were at that meeting in *Linlithgow*, that no such thing as the Moderators of Synods, was proponed, reasoned, or concluded; that they would not acknowledge that Act, coming to light but now of late, till the Presbyteries had first advised with it severally, and conferred with other. And for this effect, a copie was craved for every one of the Presbyteries. The Kings Commissioners alledged, they trised with the King. One of them called for the Officer of Armes, took the Catalogue of the names in his own hand, demanded at every one severally, whether they will accept this Bishop to be constant Moderator of the Synod, or not? The Officer was commanded to give to every one, that gave a negative voice, a charge presently to accept under the pain of rebellion. The Brethren answered for the most part severally, they would rather abide horning, and all that might follow upon it, then lose

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The Synod of Lothian urged to accept the constant Moderator.

The Synod of Fife repel Gladstones.

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the libertie of the Kirk. The Office itself was unlawful, and the man unworthie. *Mr Josua Durie*, *Mr William Murray* Parson of *Dysert*, *Mr David Monipennie*, *Mr John Caldeleugh*, *Mr Robert Buchanan*, *Mr Thomas Douglas* yielded. *Mr John Mitchellson*, *Mr James Wilson*, *Mr William Murray* Minister at *Gareil*, *Mr Andrew Bennet* Minister at *Monimail*, went forth before the matter came to voting. *Gladstones*, perceiving the Brethren to be so courageous, and fearing to be Excommunicat, dealt with the Commissioners apart, promising to take upon him to satisfie the King, and desired, that the Brethren might be spared. The Commissioners were contented, and answered, they would lay all the blame upon him, if his Maj. were offended. And so they called for the Officer, to discharge the Assembly by vertue of the Kings Letters, and to charge them not to convey again without special warrant from the King. But *Gladstones*, notwithstanding of his promise, informed the King after his own manner, and by his information procured a charge to command *Mrs John Dykes*, *John Scrimgeour* and *John Coldoun* to keep within their own Parishes, for transcending the bounds of that modestie, which becometh men of their Calling and Function; and misregarding of the Acts of the General Assembly, specially of the last kept at *Linlithgow*, and to remain within the bounds of their own Parishes, until the King and the Lords of the Secret Council, upon full certification of their misbehaviour, give farther direction concerning them. The bounds of their confinement were enlarged after, and they were confined within the bounds of their Presbyteries respectively. *Mr William Cranston* was put to the horne. But *Mr John Coldoun* did not continue constant in his opposition to that course.

Other Synods refused likewise

Other Synods followed the same course, which the Synods of *Fife* and *Lothian* had kept, except *Angus*, which had already accepted the constant Moderator. So the aspiring Bishops were disappointed of their purpose. If they had attained to the constant Moderation of the Presbyteries, where they were resident, and the Moderation of the Synods, by vertue of that Moderation, they thought to attain to a pre-eminence above the rest of the Presbyteries within that Synod; and within short time to have drawn them to their course. They promised not ingre themselves in any part of the Government of the Kirk, but their late practice, in troubling the Kirk for their constant Moderation of Presbyteries and Synods, detested their fallhood.

The diet at Halyrudhouse deserted.

There was no meeting nor Conference at *Halyrudhouse* upon the 27. of *August*: Because either the Synods appointed no Commissioners, or were abruptly dissolved; and *Mr James Nicolson*, the chief deviser of these new courses, had departed this life.

The Synod of Lothian dissolveth without a Moderator

Upon the 27. of *October*, the Synod of *Lothian* convened at *Dalkeith*. It was put to voting, whether they should accept one of the constant Moderators of the Presbyteries to Moderat the Synod, at this one time, he being sworn under the pain of perjury, to lay down that Office at a certain day. Seventeen voted affirmatively: Fourtie seven negatively. The later sort were charged presently, under the pain of horning, to retreat their voices within three hours. Some went forth, the most part remaining cried, remove the constant Moderators with some others. *Mr Patrick Galloway* was removed with the constant Moderators of the Presbyteries, and by pluralitie of Votes was chosen Mo-

derator.

erator. By this Politick course; choosing *Mr Patrick* the Kings own man, they think to satisfie the Kings Commissioner. But the Kings Commissioner, *Sir Thomas Hamblinton* the Kings Advocat, discharged him in the Kings name to accept. *Mr George Greir* last Moderator, charged him in Gods name, and in name of the Assembly, to accept, and so left the chair. *Mr Patrick* would not enter, and conceive a prayer; but would obey the King: *Mr George* would not, because he was exoner'd. At last the Advocat desired *Mr Patrick* to conceive the prayer. So they dissolved without appointing a new diet, and wanting a Moderator. None of the Moderators of the Presbyteries, within this Synod, was provided to the Title of any Bishoprick, and so none, stiled a Bishop, could be obruded upon the Synod, by vertue of the Act of *Linlithgow*. Yet they refuse to be tyed to any of the Moderators of the Presbyteries; and for once choose *Mr Patrick* the Kings own man, thinking that would satisfie the King, and not prejudice their libertie.

The Synod of *Merce* and *Teviotdail* was urged, by the Kings Commissioner the Lord *Roxburgh*, to admit one of the constant Moderators of the Presbyteries, to moderat the Synod. But the Synod refused, yea discharged the constant Moderators of the Presbyteries, to occupy the places any longer. *John Clappertoun* was charged to dimit the Moderatorship of *Chirnside* Presbytery, *Mr David Home* of *Dunce* Presbytery, *Mr James Knox* of *Kelfo* Presbytery. *Mr John Rofs* had not accepted the Moderatorship of *Melrofs* Presbytery. The Presbytery of *Jedburgh* had not accepted *Mr John Abernethie* to be their Moderator. The Presbyterie of *Kelfo*, *Dunce* and *Chirnside* choosed other Moderators, at their first meeting after the Synod.

The Earle of *Dumbar*, lately come from Court, craved that the Council should see such insolencie, for so he termed it, punished. Whereupon *Mr Tobias Ramsey* Minister at *Foulden*, Moderator of the Synod, and *John Smith* Minister at *Maxtoun*, Clerk to the Synod, being summoned, compar'd before the Council, and were charged to enter in *Blackness* within 48. hours. But after consultation with some Brethren, they resolved rather to withdraw themselves for a time, then to enter to a place, where they could finde no comfort, nor hope of reliefe, without confession of a fault. The Presbyteries, which chang'd the Moderators, were commanded to receive them again.

By the proceedings this year the Reader may perceive, what stir was made about the constant Moderators of Presbyteries and Synods. That which was pretended to be a mean to procure peace and quietness to the Kirk, was rather a mean to work disturbance: For judicious men perceived, what inconvenience would follow upon the perpetual Moderation of Bishops in Synods, and of Ministers in Presbyteries, men for the most part corrupt, and chosen for the purpose, at *Linlithgow*.

The General Assembly was again Prorogat by proclamation, and continued till the last tuesday of *July* next to come, and indicted then to be holden at *Dundie*. The Reasons alledged were, that some disdaining the course concluded for a meeting of some Commissioners from every Synod, to the effect all things might be so dutifully prepared, as the Adversaries of Religion should not take any advantage of the

The Synod of Merce & Teviotdail refuse a constant Moderator

M. I. Ramsey and I. Smith troubled.

The General Assembly prorogated.

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contentions of the Brethren at their meeting, and by all appearance directly opposing themselves to the peace of the Church, by absenting themselves, or withstanding the sending of Commissioners to the said meeting, which was appointed to be holden in September last. Next, the visitation of Dundie with the plague. Thirdly, the neglect of those who were appointed in the General Assembly, before his Maj. departure, to visit the bounds committed to them, seeing their reports were the special things to be treated in the General Assembly, whom his Maj. by his Letter had appointed to have a care of several reports of their travels and trials in Visitation, lest the convening of the Assembly should prove ineffectual: who had also nominated others in place of such of the said Commissioners or Visitors, as since that time were exiled, confined, or have deceased. For the first alledged reason, it may be answered, That the meeting of the Commissioners from Synods, was appointed to be holden the 27. of August, and by reason of Mr James Nicolson's death, was continued till September. That the Synods sent not Commissioners, because they were dissolved abruptly, or otherwise disturbed, with obtruding the constant Moderator, and feared the success of such a meeting. As for the second alledged reason, The place might have been changed. For the third, The General Assembly ought not to have been hindered, which was acknowledged at the Convention of Linlithgow to be so needful, for the negligence of some Visitors. Next, their Commission of Visitation expired, if not at the Assembly holden at Aberdeen, as reason requireth; yet at least at the last Convention of Linlithgow, which they themselves bear out as a lawful General Assembly. But the truth is, some of these Visitors had gotten Bishopricks; and under colour of Visitation, were to procure among the Presbyteries, such Commissioners to the next General Assembly, as would not oppose to their course; and to settle constant Moderators, where they were not yet received, as the Reader shall see in the progresse of this Historie. In the mean time ye see no new diet appointed for meeting of Commissioners from Synods, to the effect that all things may be dutifully prepared for the Assembly, as was pretended before. The alledged reason was, that the last prorogation and continuation, having proceeded upon a godly course and resolution, intended by his Maj. by directing of the Commissioners nominated by the General Assembly with his Maj. consent, to have Visited the whole Presbyteries, and particular Congregations within the Kingdom, the said Visitors, in respect of the long and great storm, and unseasonable time of the year, had received no effect nor execution: and it was most necessary and expedient, that this Visitation should yet proceed. Next, that his Maj. was minded, if the necessitie of other weightie affairs impeached him not, to honour this his native Countrey with his own presence, this year, to be present at the said Assembly, and by his Royal Authoritie to settle the present Jarres and Difference of the Kirk. Many of the Visitors, now stiled Bishops, must have more leasure and time to work in their Circuits, to win friends, to procure Commissioners, and to settle constant Moderators.

The modification of the stipends in the Plat, past this year by Bishops allanerly. Such as had *Nota* at their name, could get no letters, notwithstanding of their assignations, till the Bishops and constant Modera-

Letters denied to some Ministers.

tors

tors give a warrant to that effect. This was another mean, by which many of the Ministry were forced to give way to their course; namely, such as cared more for the belly, then for a good conscience.

Mr Alexander Strauchan, one of the Ministers banished for the Assembly holden at *Aberdeen*, sent many Supplications to the King, for the libertie of his Countrey aire, without which the Physicians assured him there was no hope of recovery of his health: but it could not be obtained. He departed this life at *Midleburgh*, with great comfort, and testimonie of a good conscience, for his constancie in the cause, for the which he suffered.

Master John Murray, Minister at *Leith*, was warded in the Castle of *Edinburgh*, at the instigation of our new stiled Bishops: because he opposed every step of their rising, as he had occasion, either in the Synod, or in the Presbytery, or in his Sermons at *Leith*. The first ground of their discontentment was, because, in the addition to the Exercise in *Edinburgh*, he condemned the condemning of the Ministers at *Linlithgow*. The next was, his kindly intertainment of the Brethren condemned, in his house at *Leith*, while their Ship was ready. The third, a Sermon he had on *Galat. 5. 1.* at a Synod, as Moderator of the preceeding Synod, wherein he taxed the avarice and ambition of some of the Ministry, claiming to higher places in Kirk and Commonwealth, then Christ had appointed. The fourth, his publick opposition in Sermon at *Leith*, first to *Gladstones*, and afterward to *Spotswood*, who came to *Leith*, accompanied with five or six other Bishops, of purpose as it seemed, to sing the Triumph over the good cause, and the banished Ministers. He blamed them for obscuring the one, and slandering the others, and that for their own worldly and particular respects. The fifth was, his opposition both by Reasoning, and Voting, in the Presbyterie of *Edinburgh*, against the acceptation of the constant Moderator, of which we have made mention before. At length they lighted upon the Sermon, which he had in *Edinburgh* at the Synod, & was printed at *London* without his knowledge. Bishop *Bancroft*, upon a sudden search among the Printers, seized on it, and put it in the Kings hand. The King noted some passages, and sent them to Secretar *Elphinstoun*, charged him straitly to examine *Mr John*, if the Sermon was his, what copies he had given out, and if he put it to the presse? The Secretar desired him to confesse his offence, and promised to him preferment, if he would leave that course. He answered, God make me faithful in that glorious office, whereunto I was called. He acknowledged, that the Sermon was his, confessed that he had given one copie of it to a friend, who importuned him; but that it was printed without his knowledge. For any offence or error committed, he would acknowledge none. The Secretare wrote in his favours to the King, whereupon the King was content to let the matter rest. But when this came to the knowledge of the Bishops; *Mr George Gladstones* and *Mr James Law*, would needs have the Sermon from the Secretar. Then they assembled the rest of their Brethren the Bishops, assayed their wits, and drew out some Articles, which were presented to the Council, and he cited at the Kings direction. The Articles presented were these following.

The Author of the Sermon pag. 28. speaking of abusing Christian libertie, bringeth for example a Law or Injunction for the use of the Surplice in divine service, of the Ring in marriage; which is an expresse taxing

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M. A.
Strauchans
decease.

1608.

Mr John
Murray
warded in
the Castle
of Edin-
burgh.

of

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of the Canons of the Church of *England*, made anent these Ceremonies, and the Kings *Maj.* ratification thereof.

Pag. 33. He saith, that the creeping-in of the Antichristian yoke, had for the first step that, which is little different from our new Moderators; and so condemneth the Act of *Linlithgow*, ratified by his *Maj.*

Pag. 44. The King, Council and Nobilitie, and Subjects, having sworn by the name of God, to defend the Discipline of the Kirk, all the dayes of their Life, under the pains contained in the Law, and danger both of soul and bodie, in the day of Gods fearful Judgement; and *pag.* 52. he saith, Paritie in Power and Authoritie is the Ordinance of God. This is a laying of perjurie to his *Maj.* and Councils charge; seing his *Maj.* condemneth Paritie, and preaseth to the abolition thereof out of our Kirk.

Pag. 48. He saith, we in *Scotland* are beating down Christ, putting him in bonds, covering his face; and purpose to burie him with the Jews. This striketh against the Kings Authoritie, that he should suffer Christ to be so intreated in this Kingdom.

Here the Reader may perceive, how malice maketh them bewray their own corrupt intention. They denied stilly, that they were seeking Superioritie over their Brethren; or that in any case they allowed the English Ceremonies: yet will they bring the Author of the Sermon in trouble, for the same points; howbeit indirectly, under the colour of impeaching the Kings Authoritie. But the true cause of their grief at the Sermon, was, the discovery of their ambitious and avaritious Humours, in sundrie passages of it: as when he saith, we carrie more credit, and are better accounted of in the hearts of those who fear the Lord, when we contain our selves within the compasse of our calling, with the stiles of *Mr George*, *Mr John*, Pastor of such a place; then when we borrow, through ambition, the titles of worldly honour and dignities; loving the stile of *my Lord-Bishop*, better then to be called a faithful and diligent Minister. The time hath been, when our Church and Liberties have been as a defended Citie or House; but now doores and windowes are partly cast open, partly broken up, and enemies entered; so that faithful keepers will be forced either to yeeld, or to suffer. But to suffer is farre better. For if either our Liberties through craft be undermined, or for reward given out of our hands, it is likely the Lord will never honour us with them again. But if by violence they be thrawn out of our hands, then possesse we a good Conscience, and in Gods mercie shall repossesse them again, when he thinketh time. Some of us, not contented with our standing in the Ministrie, have climed up to higher places, both in Kirk, and Commonwealth, then God hath called us unto, through covetousness seeking the profits of this present and perishing life, through ambition affecting preferment, and imparitie in Power and Authoritie over their Brethren; who, to win to themselves preferment, have troubled the Peace of *Ierusalem*, and hurt the Liberties thereof. If any will call to minde the times past, when there was any trouble or stirre in the Church, they shall find that the Authors and Instruments of it, were ever some, who, through covetousness and ambition, which two were the bane of the Church, have sought to themselves a preeminence among their Brethren; whose Deaths and Epitaphes may be a terrour to these, who tread in their foot-steps. Now if we were charged upon life and death, and in conscience before the Lord, to give an overture for the peace and quietness of our Church, this should be it; either

take

take away *Demas* and *Diotrephes*, who have Office in the Church; or take away from them their evil humors of Covetousness and Ambition; or take away their Honours, the Objects of great Benefices and Bishopricks: And then if any shall be found, who shall trouble their heads to hatch out an argument, for the defence of so offensive an Estate; and if then peace shall not be within the walls of *Jerusalem*, and prosperitie within the palaces thereof, we shall be content to bear the blame. Howbeit these and the like passages galled the Bishops; yet would they seem to be discontent with nothing, but that which touched the Kings Authoritie; and finding nothing to serve their purpose directly that way, they draw it by consequences out of the Passages abovementioned. So *Mr John* was summoned upon the 25. of *Februar*, to compear before the Council. The Kings Advocat readeth the Articles, and challengeth him. *Mr John* craved the Sermon and the Articles, that he might advise upon an answer. The Council appointed him the next Council-day; to give in his answers in writ. Because to give in a particular answer to every Article, was to acknowledge the Council to be a competent judge to his Doctrine, he presented the next day a Supplication, which in effect was a Declinature, as followeth.

For answer in all humilitie and reverence to your LL.

The Articles, upon which I am challenged, are not the words of my Sermon, but consequences drawn out of them, coming directly against both the scop of the Sermon it self, aiming only, as is evident, at ourselves in the Ministry, at that present convened; as also against the expresse words thereof, the which as *Pag. 49.* are full of reverence and dutiffulness toward his *Maj.* Therefore I most humbly besech your *LL.* seeing my challenge is not the expresse affirmation of my words, but the illation, that as there is no expresse matter or cause of Accusation, but rather the contrary, so there may be no expresse Accusation; and that my words be not too sore wrung, nor my meaning wrested, but favourably construed. Finally, that your *LL.* according to your lovable custome, would leave the censure of the Sermon, and points thereof to my Ordinar, either the Presbytery, or Provincial Assembly, in whose Audience it was delivered.

After he was removed, some of the Council favouring him, his answer was accepted as sufficient. But the Bishops would have a particular answer in writ, to every Particular Article. So he was called in again, and willd to give in his Particular answers, the next Council-day. He answered, that suppose the Answer seemed general; yet being applied to every Article in particular, would give satisfaction. This answer not being admitted, he answered next, that these Articles were but consequences, drawn out of his Sermon without any good consequence, and were not expressed nor affirmed: Therefore he could not answer formally, but by rejecting them. This answer was likewise repelled. Then he answered, that the Sermon will answer for it self, the places, out of which the Articles are drawn, being considered. Chancellour *Setoun* still urgeth him, to give in Particular answers in writ. He answered resolutely, I have given my answer, my Lord, I have my calling to attend upon. Chancellour *Setoun* favouring him, and perceiving him resolved to give no other answer, commanded the Clerk to read the places, out of which the Articles were drawn. It was clearly seen, that his words were wrested.

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Yet the Chancellour, to please the Bishops, said, *Mr John*, set down the words of your Sermon in writ. He answered, *my Lord*, it is needlesse, seeing they are already extant in print. So he was removed the second time. The chief of the Councel pleaded his cause at some length. At last *Gladstones* in a fume, said to the Chancellour, *my Lord*, look to the answer that he hath given-in, in writ; consider it, and it will be found a Declinature. Albeit ye be Lord of *St Andrews*, said the Chancellour, yet it seemeth ye have never been in *St Andrews*. He gave in a Supplication, and ye call it a Declinature; that is no good logick. The Bishop was put to silence, and *Mr John* called-in again, favourably dismissed, & sent home to his charge. The Bishops, finding themselves so far dashed and disappointed, sent up informations to the King. Whereupon the King sent a sharpe rebuke to the Councel, for the favour granted to him; and a warrant to the Captain of the guard, to apprehend him, and to commit him to Ward. So without any new citation, not being convicted of any offence, only upon the Kings privat direction, he was apprehended, & committed to Ward in the Castle of *Edinburgh*, where he was detained a whole year, or thereby. So the Bishops got this opposit removed out of the way, preached without opposition in *Leith* what they pleased, & had their Consultations there, under pretence that they were Commissioners of the General Assembly; and advised upon directions to Court, & answered to directions from Court.

Bishops
modifie sti-
pend at
pleasure.

The Modification of Ministers stipends, for this year, was committed wholly to beneficed Bishops. By augmentation they allured, by diminution they weakned, a number of the Ministry; and that so covertly, that one cause was pretended publickly, and another alledged in secret.

The drift
of the Bi-
shops visi-
tations.

Some of the Ministers, appointed at the General Assembly holden in the year 1602. the last before the Kings departure out of the Countrey, were preferred since that time to Bishopricks. They intend now a Visitation of the bounds, designed to them respectively; and because they had not yet visited, it was pretended, in two of the Kings Proclamations, that the General Assembly was continued. The purpose was to procure such Commissioners to the next Assembly, as would give way to the matters proponed. These Visitors assured the Presbyteries of the Kings anger, if they opposed to their Visitation: yet they assured them, if they would send such Commissioners to the next Assemblie, as were of a peaceable disposition, & gracious to the King, they would be content with that, in place of Visitation. And indeed this was their chief aime: For they had no care of Visitation. By Policie on the one side, and terrour on the other, they got too much advantage among the weak and simple of the Ministry, in the choise of the men, in some Presbyteries. As in the Presbytery of *St Andrews* were chosen *Mr David Monipennie* and *Robert Howie*; in the Presbytery of *Couper*, *Mr Robert Buchanan*, and so forth in other Presbyteries.

Mr James Law Bishop of *Orkney*, one of the Visitors appointed to visit the Presbyteries of *Merce* and *Teviotdail*, sent to the Presbytery of *Jedburgh* upon the 9. of *April*, the edict to be published in the Kirks upon Sabbath following; and appointed the second and third of *May* for the Presbytery to meet. In his Letter, he assureth them, that being Authorized by the Kings Command, and Commission of the General Assem-

bly

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bly, he would not stand to proceed *cum jure & potestate utriusque gladii*, if any repine at his Visitation, attesting their own Consciences, and God the searcher of all hearts, that he shall be innocent of any trouble or danger that shall come upon them. Indeed Visitors, authorized with lawful Commission from the Assembly, wont to be revered. But now the colour of an old expired Commission is abused, to the hurt and prejudice of the Liberties of the Kirk. Because none of the Presbytery, assured him of Obedience, before he came, he sent a messenger upon the Presbytery-day, immediately preceeding the time appointed for Visitation, with assurance in his Letter, that whosoever compeared not at the day appointed, with the Edict served and indorsed, that he will cause put them to the horne; that he would no more seek *aquam e pumice*, nor take in good worth to be contemned and ludified by them; and required that they would follow the good example of the Presbyteries of *Kelso* and *Melrose*. When he came to *Jedburgh*, they called in question his pretended power; and some of them assured him, they would decline. At the intreatie of some, who were readie to yeeld, he delayed the action till the fifth of May. *Mr John Abernethie*, Minister at *Jedburgh*, joyned himself feignedly to those, who were minded to decline. To make them believe he meant no fraud, he told them how he dreamed, that he was put to the horne, and stobbed the Officer through the bodie with a rapier. He made a burges of *Edinburgh* Assigney to all his goods, preparing himself, as it would seem, to go to the horne. He wrote a copie of the Declinature, which was to be given by these Brethren, with his own hand, & all to spurre them forward. They gave him little trust, howbeit they suffered him to dissemble, to the end his treachery might be discovered. He had diverse meetings with the Bishop, even when he pretended opposition. The Bishop, on the other side, was careful to have him placed Moderator. And because *George Johnstoun* Minister at *Ancrum*, and *Mr David Calderwood* Minister at *Crelling*, were chosen Commissioners to the General Assembly, for the Presbytery of *Jedburgh*, at the last Synod of *Merce* and *Teviotdail*, he was the more obstinat in his rigorous proceedings against them, that other Commissioners might be chosen to his pleasure. Upon Thursday the fifth of May, *George Johnstoun* and *Mr David Calderwood* gave in their Declinature, and took instruments thereupon, in the hands of *James Johnstoun* Notar publick, in presence of some of the Magistrats and Council of the Town. When they gave in their declinature, *Mr John Abernethie*, to excuse himself for deserting them now at the pinch, when as he thought they could not turne back againe, said, he and his Brother *Mr Thomas* had been that night before rubbing that matter, and could finde no scruple in it. Left the honest men should perceiue his cosenage in that matter, he protested in their presence, and in the presence of the Presbytery, to this sence. Notwithstanding I submit myself to the trial of this Visitation, God let me never see his face, If I hate not the Course and Government of Bishops, and shall resist it, as far as lyeth in me, all the dayes of my life. And yet within few years after, he accepted the Bishoprick in his own Person. His Brother *Mr Thomas* bragged the first day, and said, he feared that none would go to the horn with him. But partly Fearing to be put to the horn indeed, and partly through the persuation of his Brother *Mr John*, he withdrew himself, before the day that the Declinature was given in.

G. Johnstoun and M. D. Calderwood decline.

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The reasons alledged by *George Johnston* & *Mr David Calderwood*, in the Declinature, were these. 1. That he wanted his fellow-Visiter, *Mr John Carmichael*, without a sufficient excuse of his present absence. For the Ministrations of the Lords Supper about the seventh of *March*, was not an excuse for the time present. It was a thing odious in the self, that he alone should Visite. In the Commission is expressed only the case of sickness, as a sufficient excuse, which cannot be extended to cases not expressed: And all delegat Jurisdictions *sunt stricti juris*. 2. The Commission endured only till the next ensueing Assembly, and the appointed Visiters promised to put in execution the same before the time. But so it is, that about four or five years after fell out the Assembly holden at *Linlithgow*, from which he had neither Prorogation, nor Continuation; howbeit he and his Associates do bear it out for a Lawful Assembly. That through his own default, the half of the Presbytery was absent, and no parishioners compeared, except of one Congregation, or two. Other Reasons, to be used in time and place, before the competent Judge, the next free and lawful General Assembly, were these in substance. 1. The Act made in the General Assembly at *Halyrudhouse* Anno 1602. concerning Visitation of Provinces, containeth a blank, for inserting the tenor of the edict, which should have been served at the Parish Kirks; which edict should have been conceived by three Brethren deputed by the General Assembly. But these three Brethren never yet met for that purpose; and so the blank was never filled up. 2. The said Visiter would visit alone, not only without *Mr John Carmichael* his College, appointed by the General Assembly, sickness not so much as alledged as an excuse for his absence; but also without *John Clappertoun*, the Person designed in the Kings Letter to him. 3. Since the Act made at *Halyrudhouse*, he is provided to a Bishoprick, & consequently become an Adversary to all that oppose their course. But it was far from the meaning of the Assembly to arme such men with power to annoy any of the Ministry.

After that the Decliners went forth, the Bishop dispatched his Visitation, in the space of two hours, & made the choise of Commissioners to the next Assembly. *Mr John Abernethie* was accepted constant Moderator; which he could never attain unto before. Howbeit he obtained the purpose he came for; yet to debar the Decliners from the Presbytery, & from access to the next Assembly, he caused put them to the horn, the same very night. The Registration in the Sheriffs books, after great intreatie, was stayed. But upon his information, a direction was sent down from the King to the Council, to punish them exemplarily. But by earnest dealing of the Earle of *Lothian* with the Chancellour, and the Earle of *Dumbar*, in favours of the said *Mr David*, their punishment resolved in a confinement within their own Parishes.

By this Letter following, dated at *Greenwich* the last of *May* 1608. and directed to the Chancellour and remanent Lords, and others of the Secret Councel, the Reader may perceive the Kings purpose, to erect the Courts of *High Commission*, in favours of the Bishops, and for advancement of their course, howsoever other motives and grounds are here pretended.

James R.

Right trustie and welbeloved Cousines and Counsellers, we greet you well. The libertie assumed by unrulie Persons, to offend both in Religion &

Life,

The hatching of the high Commission:

Life, without any fear of Ecclesiastical Censure, being the just cause of the great increase and growth of papistrie and Atheisme (both of them too frequent in that our Kingdom) hath moved Us to consider of your complaint, made by the right reverend Father in God, and our right trustie Counsellour, the Archbishop of *Glasgow*, in the behalf of the Presbyteries of that our kingdom, that their willingnes to suppress the growth of these enormities, hath been ever thortered and impeded by too many frequent Advocations of these matters granted by you, whereby they were discharged of all farther proceeding, the matter it self oftentimes, after due consideration had thereof by your selves, thought unfit for your censure & judicatorie; & the partie guiltie all that time, being freed from censure and punishment, did presume to himself of impunitie, upon his own knowledge, how unable these poor Presbyteries are for attending your diets, the most part of the Ministers thereof being so meanly stipended. To prevent therefore hereafter the intermixing of these several sorts of procedures; and to remove the occasion of this complaint of the Presbyteries, and for the better flourishing of the Gospel, increase of true Professors, and punishing and trying of Heresie, Atheism and all scandalous Vice & Enormities, & we being nowayes of that minde, that these Presbyteries do all generally so proceed with indifferencie, as no exception can be taken at their partiality; and yet nevertheless for the errors of some being also unwilling to condemne the whole, We have resolved upon this, as the most just and indifferent mids in this matter, that two several Commissions should be given to the two Archbishops of that our Kingdom, with association of some Noblemen, Bishops, and some of the most discreet of the Ministry within each Province, to take particular trial of every such mans behaviour & bad carriage any way, whereby either by his opinion in Religion, or by his life he deserveth the execution of the Ecclesiastical Censure against him; & they either to Authorize the Presbyteries to proceed, or if they have found them negligent, then to rebuke them & to give them special injunction for greater care & diligence thereafter, under such pains, as these our Commissioners in their discretion shall hold fit to impon. And whereas upon complaint of partie, either against the informal proceeding, or the impertinent accusation before any such judicatorie, or the suspect partiality of the Presbyteries (among some of whom oftentimes there be some guiding misrulers) there shall be just matter found by these Commissioners, for the which they shall think that in Reason they should assume the trial of that matter unto themselves, as by their Commission we have specially given unto them power for that effect. It is therein Our Pleasure & Will, that ye shall not hereafter Advocate unto you any matter, from any Presbyterie within that Kingdom, without first the partie, suiter of the same, have meaned himself to that Archbishop & his conjunct Commissioners, within whose Province he doth remain, and that he do complain as well of them, as of the Presbytery; that so ye may then take trial, and punish the fault and the offence, both of the one, and of the other. And otherwise, upon the first motion of the partie unto you, without the first acknowledging, and making suit to the said Commissioners for redresse, our special Will is, that ye do not in any case meddle therewith; willing you herewith to certifie the same to all our Subjects in that our Kingdom, either by Proclamation, or otherwayes, as ye think best; but specially to be intimat at our Burgh of *Edinburgh*, Cities of *St Andrews* and *Glasgow*, that none pretend igno-

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rance thereof: But that upon any just complaint against the Presbyterie, they do first adresse them to the said Commissioners, and suit their remede, before ever they trouble or importune you therewith. And Our pleasure and will is also, that our Chancellour do append our great seal to these Commissions; for which thir presents shall be their warrant. And so we bid you farewell. From our Court at Greenwich, the last of May 1608.

Here ye may see, what the Bishops were contriving for the advancement of their own course; what *Spotswood* hath been practising at Court, and that in behalf of the Presbyteries; but without their knowledge or direction. But because the Kings will, touching the Courts of high Commission, was not published till *Februar* 1610. To that place I referre the examination, and discussing of that matter.

Some Ministers offer
disputation

Because some of the aspiring Ministers had vented in secret to Persons of all Estates, that now by a new light they had found out their former errors, and were perswaded, that the Episcopal Government was the Ordinance of God; some of the sincerer sort, resident in the west end of *Fife*, agreed upon an offer of Disputation, as followeth.

The Ministers offer a Disputation.

We the Ministers of *Jesus Christ*, defenders and favourers of the Discipline of the Kirk of *Scotland*, professe and declare, that the said Discipline and Government, as it is appointed by the Kirk, ratified by Parliament, commanded by Authority, subscribed and practised these fifty years within the same, is most agreeable to the Word of God, and most convenient to continue, & stand with the Civil Government of this Kingdom. And for defence hereof, in the fear of God, in christian modestie and brotherly love, offer to our Brethren Commissioners Voters in Parliament, by evidence of Reason, and warrants of Scripture, to maintain and defend the same, against whatsoever they can object in the contrair; and for this effect earnestly desire a free Conference to be appointed, and kepted under the Conditions following.

1. That the defenders of the said Discipline may have a publick warrant, and protection from his *Maj.* and his *Highness* Councel, for holding of that Conference.
2. That they may have the free choise of the Persons, to whom they should commit the maintainance of their Cause, in the said Conference.
3. That the partie opposing set down in short and clear points, wherein they disassent from us in the said Discipline, and deliver the same in writ to the said Ministers, a reasonable time before the first day of the Conference.
4. That (for remembrance, eschewing of confusion, idle discourses, mistakings, calumnies and cavils, that may fall out on either side) all Questions, Arguments, Answers, Replies and Conclusions, that shall be treated in the said Conference, may passe by writ, and be subscribed both by Opponers, & Defenders.
5. That it shall be lawful to them, that are chosen to Reason for the parties, to take counsel and advice of any of their Brethren, in any occurrent difficultie.
6. That whatsoever shall be treated, and agreed upon in that Conference, it be delivered to the Presbyteries; and after they have advised upon the

same,

same, to the Provincials; and then to the General, one or more there to be fully treated, and finally concluded.

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*The Considerations & Reasons, moving the Defenders
to make this offer.*

Because they are certainly informed, that some of their opposite Brethren have not obscurely professed to honorable Persons of all Estates, that howsoever they have been of one judgement and practice with us, in times by past, now by a clear light, which hath shined to them in their late studies, they have found out their former errors, and are persuaded, that Episcopal Government, and jurisdiction over their Brethren, which hath been, and is condemned as unlawful by the Kirk of Scotland, is the Ordinance of God: which if they can clearly demonstrat by proof out of Scripture, in this desired Conference, they sinne against God, their own soules, and the salvation of their Brethren, unlesse they communicate their light with them, that they may walk in it; otherwayes it were against all honestie and Conscience to them, to depart from the present Discipline, whereunto they are bound under the great oath of the Lord; the Reason whereof they are not ashamed to avouch and professe before the world.

In the heat of these Contentions, the parts, tongues and pens of Jerusalem's watch-men, are turned from the enemies of the Truth, and like razours, sharpened and set each one against another; and neither Ordinarie and free Ecclesiastical meetings, nor wise men found among us, to put us in remembrance that we are Brethren, the salt of the earth, and light of the world; but too many of all sorts to add fresh fewel to the flaming fire of our distractions, whereby we and our profession are hurt, to the great joy and encouragement of our enemies: which evils, and others that may fall out, in case of continuance, by the mercie of God, in this Conference, may possibly be prevented, and remedied.

Faithful and unblameable Ministers are partly pressed down with the burden of many great reproaches, as if they were the onely troublers of Israel; and traduced as holding and maintaining Anabaptistical opinions; and partly have their Persons warded, and their livings restrained, against whom no occasion can be found, except concerning the cause of Discipline and Government of the Kirk. And it were ridiculous, if the Ministers of God, in such cases, should like children lay their hand upon the part that is hurt, and cry, alas! and in the mean time cease to seek lawful remedie.

It becometh no wayes the Ministry to keep secret the Truth, whereof they are persuaded; and when their profession, or any part thereof, is brought under suspicion, or impugned by a cowardly kind of silence, to betray the cause, which they believe shall stand good, in the day of the Lord Jesus.

The Orders, and proceedings of our Kirk, are taxed and carped, both within and without the Countrey, by unfriends and enemies to the Government thereof; and by the present distraction we are so kepted at under, that neither have we occasion, nor safely dare we answer calumniators.

Protesting, that if the said Commissioners and Voters in Parliament, now commonly called *Bishops*, shall happen to refuse this modest offer, and these most reasonable Conditions, notwithstanding of the important

Reasons

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proponed herein by the said Ministers, defenders of the Discipline and Government of the Kirk of Scotland, that in that case the said Discipline & Government be reputed and holden Godly, Wise and Peaceable, and stand unquarrelled, till they be lawfully and orderly heard; and that their Brethren according to their credit use the same, as they will answer to God and his Kirk, for restoring of the Ministers to their liberties and livings, to the effect that all in Brotherly concord may serve God, honour the King, & with a pastoral care and endeavour procure the well of Christs Kirk within this Realme.

Mr James Melvine disliked their purpose, and dissuaded them; because Disputation never edifieth, where true Religion is once planted, but breedeth contention *et studia partium*; and by the same Reason, disputation may be offered to the Papists. There must be a judge, & a partie: Who will be judge but the Prince, or a General Assembly dressed for the purpose? Who can be partie, but some of the Ministrie, who have sworn to the Discipline, more worthie to be Excommunicat, then to be disputed with?

A Conference at Falkland.

The Bishops used sundrie means to effectuat their purpose, at the next General Assembly. *First*, Imprisonment of Brethren, namely *Mr John Murray*. *Next*, the Modification of Ministers stipends. *Thirdly*, the Visitation of Presbyteries; that under colour of that Visitation they might procure such Commissioners, as would not oppose their course. *Fourthly*, the pretext of a Conference, which was to be holden at Falkland the 15. of June. *Mr James Melvine* hearing, that the Conference was to be appointed, sent his advice to the sincerer sort. He willed them to be circumspect, seeing it proceedeth from a Higher Power, whose end is rather Victorie, then Veritie. Being informed, that the end of the Conference was for the Papists, or for Disciplinarie Controversies, he conjectureth the purpose in the first to be to delete the ignominie of *Linlithgow* Convention, wherein great things were proponed, nothing prosecuted; the Bishops are loath to sustain the hatred of great ones alone. For the other point, he adviseth them to require the warrant of their meeting to be produced for their securitie: to urge that the Conference be full and free; full by the calling of the chief members absent, free for the choise of the Persons on their side. But there was not so much ado at that Conference.

The Bishops, and so many other Commissioners of the General Assembly, as were upon their Course, convened in the Chappel of the Palace of Falkland. The Ministers convened in the Kirk of the Town, and choosed *Mr Patrick Simpson*, Minister at *Stirling*, to be their Moderator. By Prayer and Conference, they tasted a little of the sweetness and comfort of their old meetings. In end they agreed upon some Articles, to be given-in to the Bishops and Commissioners, for concord and peace, which were gravely proponed to them by *Mr Patrick Simpson*, in name of the rest.

1. That the Cautions of the General Assembly be insert in the bodie of the Act of Parliament, made in favours of the Bishops; and that they be censured accordingly, as was craved by the Commissioners of the General Assembly, at the Parliament holden at *Perth*, where the said Act was made.

2. That the Discipline and Government of the Kirk, Practised, Established, Sworn and Subscribed unto, stand inviolable.

That

That the Assemblies General and Provincial be restored to their own integritie, as more effectual means to bear down the Enemies.

That the banished and confined Brethren, Gods faithful servants, be restored to their own places and liberties.

They seemed to like well of these Articles: But, say they, it behoveth to conferre & agree upon them, at the next General Assembly, that his *Maj.* may be the rather moved to consent to them; and so they shifted the matter. They pretended they were desirous, that the next Assembly might be kept peaceably with the Kings licence & good liking, which could not be obtained, unlesse the Articles following were yeilded unto. *Mr John Hall* certified the Ministers, that the Earle of *Dumbar* with some English Doctors, and a great number of old and new made Earles, Lords and Knights, were coming down to overthrow the Discipline and Government of the Kirk with one blow, at the next General Assembly. With pretences and feigned tales the Ministers were moved to consent to the Articles following, to be recommended by way of advice to all the Presbyteries.

That the questions, presently standing in controversie among the Ministers, anent the matters of Government, be untouched and unhandled on either side, till the next General Assembly, and no occasion be given, by privat or publick speeches, of any farthes distraction of mindes; but that all shew themselves to others by good countenance, and otherwise as Brethren and Ministers of Christ, setting themselves with their endeavours, specially in Doctrine, against Papists, their Superstition in Religion, and pernicious Practices.

That the General Assembly hold at the time appointed, that is, the last Tuesday of *July*, and that his *Maj.* be most humbly intreated for that effect.

In the said Assembly the Common affairs of the Kirk shall be handled, an account taken of the Commissions, given in the last Assembly preceeding, and some solid course advised upon for disappointing the practices of the Enemies.

That nothing, which is in controversie, and maketh strife in the Kirk, be treated in the said Assembly; but the same be conferred upon, in a Privie Conference, by such as the Assemblie shall appoint, to prepare a way for composing of these differences; & that the Assembly appoint a meeting of some Brethren, at such times, place and manner, as they think fit, for that effect.

That request shall be made to his *Maj.* for relaxing of the Brethren that are confined, and specially of such of them as have been present at this Conference, that they may keep the said Assembly.

It was not the minde notwithstanding of the Bishops, that *Mr William Scot* and *Mr John Carmichael*, which were of the number confined, should have libertie to be at the next Assemblie, notwithstanding of the pretences of peace, that was made by them at this time. So deceitful were they in all their courses, even then when they seemed inclinable to peace and unity.

Before the Conference holden at *Falkland*, some of the Ministry of *Fife*, perceiving what preparation was made by the other partie for the next Assembly, sent to sundrie Presbyteries the Copie of the Commission, and instructions following, which they had given to their Commissioners, that thereby they might understand what was their minde: Which

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A Commission & instructions for Commissioners to the Assembly.

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course, if it had been followed, it had been surer then the other, agreed upon at the Conference.

The Commission.

We, the Moderator and remanent Brethren of the Presbytery of A. understanding, that there is a General Assembly to be holden at B. the day of C. next to come in the year of God 1608. and after due advisement having found, that by the long intermission and want of General Assemblies, as well ordinarie, as *prorenata*; the discharging of sundrie Provincials from their lawful meetings; the absence and restraint of special members of sundrie Presbyteries, in the principal Provinces within this Kingdom; the libertie of election of Commissioners to General Assemblies now pinched and thrall'd, contrare to the order and custome of the Kirk; the with-holding of stipends from Ministers, & threatning of others with the like, unlesse they yeeld to the intended alterations and innovations; the fearful distraction of Ministers; the growth of Papistrie; the pride and insolencie of Papists and orderless Persons; the great number of appellations undiscussed; & that by the dangerous sequels of every one of these, and of them all conjunctly, the Unitie, Peace, Order and Edification of the Kirk within this Realme, is dangerously Wounded, Impaired, and Hindered; and by the Doubts, Difficulties, Questions & Disputations, daily arising upon the former occasions, is like to be farther endangered, unlesse by the mercy of God some godly and wise remedie be timouly provided; have therefore appointed, and by these presents ordain & appoint A. B. C. Our Commissioners, giving unto them our full Power and Commission to repair to the said Assembly against the first day thereof; & there in our names, Treat, Reason, Vote and Conclude concerning the repressing of Papists, Papistrie and orderless Persons; the discussing of appellations; the setting down of convenient Overtures and Articles, anent the restoring of the Provincial & General Assemblies, and of the Presbyteries, to the free use of their wonted priviledges and liberties, ratified by Law; the removing of the present distraction of the Brethren, and the causes thereof; and the searching out, and putting in form of such conditions of peace, as whereby the great God may have his due Honour, the Kings *Maj.* his Contentment, the Ministers & remanent members of our profession may be in a godly consent and concord reunited, with expresse command to passe from the said Assembly General to the Provincials and Presbyteries, to peruse the said Overtures and Articles, and after due reasoning and deliberation had thereupon, to returne the same ripely advised, together with their best opinion, anent the convenient removal of these present evils, and settling of a solid order for peace & concord in time coming, to the next General Assembly, to the effect that there they may be concluded with brotherly harmonie and consent: And by reason of the said distractions, and other evils abovewritten, expresse prohibiting the said A. B. C. our Commissioners, and each one of them, under the pain of Deposition from their Office of the Ministrie, and Excommunication, to Vote, or any wayes to give Consent to any innovation or alteration of the Government of the Kirk of *Scotland*, of any Article or clause thereof whatsoever, intended to have been altered or innovated, since the General Assembly holden at *Halyrudhouse* in November 1602. Or which shall happen

to be intended in this present Assembly, for advancing or establishing the Episcopal Government, which is, and hath been ever judged by the Kirk, to be contrair to the Word of God; or to the transferring of the Power and Order of electing Moderators, at Provincials or Presbyteries, from either of them respectively, & conferring thereof to any other person or persons whatsoever; or to the continuance of any Moderator in his Office of Moderation longer, than from one Assembly to another respectively, as the Kirk for very good cause hath had the custome. And generally, to no matter that in any wayes may breed, nourish or increase distraction in the Kirk within this Realme. Declaring whatsoever they shall do in these cases, to be null and of no effect; and them to be censured, and proceeded against, as is above provided, By this our subscription, subscribed by our Clerk at our command at the day of the year of God 1608.

The Instructions.

That at the production of this present Commission, and before any matter be acted in the said Assembly, which is to be holden &c. the Commissioners desire this present Commission to be registred in the Books of the General Assembly, at least an Act to be made, in the beginning of the said Assemblie, expressly bearing, that no matter shall be handled therein, but according to the tenor of this present Commission; and in case of refusal of the one or of the other, to protest, that they produced a Commission of such a tenor, and thereafter desired the Protestation with the Commission to be ingrossed and registred; which being done, let them adhere to the Protestation, and publickly disassent from whatsoever shall be done, otherwise then the said Commission beareth.

That it would please this present Assembly, for farther explanation of the article of the Book of Discipline, anent the election of the Moderators of the Assemblies, to declare, and by Ordinance to establish, that all the Provincials, Presbyteries and other lawful Assemblies of the Kirk within this Kingdom, & each one of them, have, in and of themselves respectively, lawful and sufficient power to choose, censure, put in and remove their own Moderator; and that the lawful continuance of each Moderator in his Office of Moderatorship, as well of Provincial, as of Presbytery, is and shall be from one Provincial to another, and that for eschewing of Iniquity, Ambition and Tyranny.

That no Minister already burdened, or that any time hereafter shall happen to be burdened by the General Assembly, with Commission in the weighty affairs of the Kirk, be, in any times coming, during his Commission, overburdened with the Moderation, or elected Moderator of any Presbytery, Provincial or General Assembly.

That the Acts of the General Assembly, alreadie made against dilapidation, non-residence, carelessness, and other corruptions in the persons, and callings of the Ministers, with such additions as shall be found needful, be gravely recommended to the Provincials and Presbyteries, with expresse command to them, with all possible diligence to censure their own members *respective*, according to the Acts of the General Assembly; without exception of persons, or causes, as they will answer to God, and to the said Assembly.

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And in case any motion be made, prejudicial to the present Discipline, or any wayes tending to the furtherance of Episcopal Government, or any degree thereof, fail not to declare to the said Assemblie, that we & our Brethren, favourers of the Discipline and Government thereof, like as we have offered to our Brethren, intending Episcopal Government; so in the face of this Assembly, we offer to defend the said Discipline, by warrant of the Word of God, and to impugne what can be opposed against the same, or what can be said for Episcopal Government, as our said offer at more length beareth, humbly requesting the said Assembly to consider the said offer, and to assist, maintain and stand for the good cause.

6.

And finally, ye shall take heed, that no Noblemen, Barones, nor Burgeses be admitted to vote in the Assembly, namely in matters of weight concerning the Government of the Kirk, but such as have Commission from their Presbyteries; and so many only as the order and custome of our Kirk alloweth.

The offer, whereof mention is made, for these instructions, and the conditions required in the offer, ye have set down above. *Mr James Melvine* disliked the challenge; because it imported the calling of the Discipline and Government in question, namely now when their partie was to be judge. But willed them to be readie to defend, both in and out of Assemblies; if there be a necessity. He advised them to stand to the Conditions, set down in their offer, which being refused, to appeal to a free and better advised General Assembly, and that in-writ subscribed with the hands of all that carrie upright hearts in the cause; and then to importune God, whose Glory was most interessed. And because the top, or rather the root and foundation of the *Hierarchie* and *Episcopal Lordship*, to wit, *the Kings Supremacie*, was to be urged, as he heard, at this time, or some other, as the right of the Kings own Crown; and is a new matter never heard - of in our Kirk, he advised them to crave a large time for information, that whatsoever belongeth properly to *Christ*, may be kept unviolat; without denying to the King any thing that belongeth to him. These directions above written took not effect: Because the matter was otherwise conveyed at the Conference, holden at *Falkland*.

Doctor
Dounames
Sermon
sent to
Scotland.

Doctor *Douname* made a sermon, for the maintaine of the Authority of Bishops above Ministers, at the consecration of Doctor *Montague*, Dean of the Kings Chappel, preferred to the Bishoprick of *Bathe* and *Wales*. The Sermon was printed, and some Copies sent to *Scotland*, before the time appointed of the Assembly, and that by the Kings direction. *Mr Andrew Melvine* sent to his nephew *Mr James* some short animadversions upon it. And in end he hath these words, such tautologies and vain-babbling I would never have looked for, should have proceeded from a man, who is a Logician; or to be directed to the North, for convincing of our Brethren, who, if they be not corrupted more with the fourteen thousand pound sterline, sent hither *tanquam aureus hamus*, then the evidence of this book, and demonstration of the profane folly of men, can never be able to perswade them to leave the truth embraced, practised and established, to their eternal infamie. At the same time, he made a large answer to *Dounam's* Sermon, in *Latine*, which I wish were inquired for, and put to the presse.

Dumbar &
English
Doctors
come from
Court.

About the end of *June* the Earle of *Dumbar* came from Court, and

with

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with him two English Doctors, Doctor *Abbots*, and Doctor *Higgins*. Doctor *Maxy* one of the Kings Chaplains came by sea. It was reported, that no small summes of money were sent down with him, to be distribute among the Ministers, and some others. The English Doctor seemed to have no other direction, but to perswade the *Scots*, that there was no substantial difference in Religion betwixt the two Realmes, but only in things indifferent concerning Government and Ceremonies; and to report that it was his *Maj.* will, that *England* should stand as he found it, and *Scotland* as he left it. But when he came to *St Andrews*, Mr *Robert Howie*, a Man of a seditious and turbulent Spirit, declaimed against the Discipline and Government of our Kirk; and then they uttered their minde in plain termes: no order was taken with so manifest a breach after the last Conference. This was the Policy of the aspiring Bishops, to cry peace, peace, and to crave silence of their opposits, when in the mean time they minded not to be silent themselves, when they found occasion.

The General Assembly, appointed to be holden at *Dundie*, was holden at *Linlithgow*, the last Tuesday of *July*. A fast was appointed to be kept the first day, because it was the forme, and to colour their intentions. Mr *Andrew Lambe* taught in the morning. Mr *Patrick Galloway*, Moderator of the last Assembly holden before the Kings departure, had the exhortation beforenoon. Mr *Robert Cornwall* the Town Pastor taught afternoon. After Mr *Patrick* had ended, the Assembly convened, and he declared the causes and end of their meeting. There were present above fourty Noblemen and Gentlemen, directed by the King to be present. This put the Brethren in a great fear, that some pernicious conclusion was to passe by plurality of votes. Therefore sundry of the Ministers put Mr *Patrick* in remembrance, that only three Commissioners were granted to his *Maj.* by the Acts of the Assembly. He answered; that if they would cast off the Noblemen, their conclusions would want execution: For we must pray and preach, said he, but they must fight. So without any farther, they went to the choosing of a new Moderator. Mr *Patrick Sharpe*, *Patrick Simpson*, *John Mitchellson*, *John Hall*, *James Law* Bishop of *Orkney*, *Patrick Lindsey* were put upon the leets, and removed. The Bishops were called on first, to give their votes, before the Commissioners of Presbyteries were called upon, at Mr *Patrick's* direction. Then was first seen, in a General Assembly, the difference betwixt the Bishops & Commissioners from Presbyteries. Mr *James Law* Bishop of *Orkney* was chosen Moderator, by plurality of votes. The difference of the votes, between him and Mr *Patrick Simpson*, stood only upon three: For the Earles, Lords, Barones, and Gentlemen, sent-for by the King, wanting Commission, voted for Mr *James Law*. And yet if the votes of the best affected of the Ministry had not been divided, by reason of Mr *Patrick Simpson's* bodily infirmity, Mr *Patrick* had been chosen. It was the Policy of the corrupt side, to lay all their votes upon one. Alwayes it was a great encouragement to see a number of the Ministrie set one way, and gave appearance, that they were able to resist any conclusion, prejudicial to the cause.

The Assessors, nominated by the Moderator himself, & appointed to convene with him in the privy conference, for treating of such things as were to be concluded in the Assembly, were these, the Earles of *Dumbar*, *Wigtoun* and *Lothian*, with the Collector General, the Kings Com-

A General
Assembly
holden at
Linlith-
gow.

The privy
conference
chosen.

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missioners, the *Earles of Glencarne and Kinghorne*; the *Lords Graham, Lindsey, Loudoun, Blantyre, Halyrudhouse*; the *Lairds of Balmaine, Kinnard, Kilsyth, Carnell*; the *Bishop of Cathness, Mr William Douglas*, the *Bishop of Brechin, Mr Andrew Leitch, Mr Patrick Lindsey*, the *Bishop of Saint Andrews, Mr John Mitchellson, Mr Patrick Simpson*, the *Bishop of Dunkelden, the Bishop of Dumblane, Mr William Couper, Mr Patrick Galloway, Mr John Hall, Mr David Home, Mr John Knox*, the *Bishop of Glasgow, Mr Patrick Sharpe*, the *Bishop of Galloway, Mr Alexander Scrimgeour, Mr William Hammiltoun, Mr Thomas Ramsey*, the *Bishop of Argyle*. Here we may see by the persons nominated, to what a weak estate or thraldome our Kirk was reduced, when such worthies, as wont to be upon the Privy Conference, are now detained in ward, or confined, and can have no access to the Assembly, to direct by their advice, or to resist any corrupt course. The Bishops had provided well for their own places, in that respect.

The Kings
Letter
read.

The Kings Letter contained two points; the one, his zeal and care to repress Popery, where he declared, that he would disappoint dissident Opiniators, imputing to him slackness in proceeding against Papists, notwithstanding his faire promises, and the Act made at *Linlithgow*; and desired men to be more modest in their speeches hereafter. The other concerned his love to the Kirk of *Scotland*, where he wished, that every thing hurtful to the same, might be removed; as namely the present Distraction and Alienation of hearts for circumstances, & matters indifferent, as he called them.

Order to
be devised
for taking
order with
Papists.

Much ado there was about Papists and Papistry, which was a main end, for which it was pretended this Assembly was convened. It was ordained, that the Commissioners of every Synod shall convene severally, and set down a roll containing the names of the Papists within the bounds of their Synod. Secondly, the causes why Papistry, Superstition and Idolatry was come to such a height. Thirdly, the remedies for suppressing of all sorts of Papists and Idolaters within the Countrey, viz. Papists already excommunicat; Papists, who have sworn and subscribed to the truth, and yet refuse to imbrace the same; and Papists, that in word Professe the truth, but in action and deed are contrair to the same. Fourthly, what form of proceeding every Synod hath used against the Papists within their bounds. And that the said particular rolles, concerning the said particular heeds, be delivered to the Privy Conference.

Huntlie
excommu-
nicated.

Mr Peter Bleckburne Bishop of *Aberdeen* was demanded, if *Huntlie* was excommunicat, according to the direction given him at *Falkland*. He answered, not; but that the processe was deduced even to the pronouncing of the sentence. It was advised, whether the Sentence should be pronounced presently in face of the Assembly, or remitted to the Presbytery of *Aberdeen*. It was ordained, that it should be done presently, in respect the offers, contained in his Supplication presented by *Sir Thomas Ker of Hirshaw*, were frivolous, no wayes inclining to obedience and satisfaction; specially because by his Band, subscribed with his hand upon the last of June 1608. years, presently produced in face of the Assembly, by the Commissioners of *Aberdeen*, he bound and obliged himself to satisfy the Kirk by communicating, betwixt the date thereof & the 17 day of July last by past: Otherwise that the Ministry proceed with the sentence of Excommunication against him. So the Sentence of

excommu-

Excommunication was pronounced by the Moderator, in face of the Assembly, & it was ordained to be intimated in all the Kirks of the Realme, by the Ministrie, the next Sunday immediatly after their returning from this Assembly; and that the Brethren of the Synods of *Aberdeen* and *Murray*, receive no offer of satisfaction from the said *Marques*, without the special advice of his *Maj.* and the Kirk, had thereto. After the sentence was pronounced by the Moderator, the Earle of *Dumbar* promised, that fourtie dayes being expired after the pronouncing of the sentence, the civil sword should strike, without mercie or favour to him or his; & although some of his friends should come, & buy his escheer, it should be refused.

The Brethren of the Presbytery of *Glasgow*, and Synod of *Clithsdail*, testified, that they could see no appearance of *William* Earle of *Angus* his conversion, but rather evident tokens, that he was the more obstinat and indured in Papistrie, which he sometime abjured of before, by subscribing the true Religion presently professed: Therefore the Assembly ordained the Presbytery of *Glasgow* to proceed against him with the censures of the Kirk, unto the final pronouncing of the sentence of Excommunication against him, betwixt and the 18. day of *September* next to come; and inhibit any of them to receive any offers for absolving of him from the said sentence, without advice of his *Maj.* and Commissioners of the Assembly, had and obtained thereto. The Presbytery of *Perth* reported, that they could see no appearance in *Francis* Earle of *Errol* of conversion from his errors, but rather evident tokens, that he was obstinat and indured in his error of Papistrie, which he sometime abjured of before by subscription. Therefore the Assembly ordained the Presbytery of *Perth* to proceed against him, to the final pronouncing of the sentence of Excommunication, betwixt and the 18. day of *September* next to come, and inhibited any of them to receive any offers for absolving him from the said sentence, without advice of his *Maj.* and Commissioners of the Assembly had and obtained thereto. The Brethren of the Presbytery of *Irving* reporting the like of the Lord *Sempil*, the Assembly ordained *Mr Alexander Scrimgeour*, Moderator of the Presbytery of *Irving*, under the pain of infamie and deprivation from his function, to pronounce the sentence of Excommunication against him, in the Kirk of *Irving* upon the Lords day, the 14. of *August* next to come, without any delay or impediment whatsoever.

The Commissioners, appointed to give up the names of Papists, the causes of their increase, and their remedies, produced their particular rolles concerning the said heeds, which the Assembly thought good should be revised, abridged, and put in order by the Moderator *Mr James Law*, *Mr Patrick Simpson*, *Mr William Couper*, *John Clappertoun*, *Mr John Hall* and *Mr George Hay*, to the effect the same may be presented to the Privie Conference, that thereafter they may be treated in face of the Assembly. It was thought good in the Conference, that the names of the Papists Professed, Suspected, and Non-communicants, be set down in a book, and some chosen to present the same to his *Maj.* The chief causes of increase of papists were thought to be these. Impunitie, neither the civil, nor spiritual sword striking upon the chief of them: not the spiritual, because of the want of a General Assembly, these many years: not the civil, because the Government of the Kingdom was committed to men suspected of Papistrie. Next, The rash

Ordinance
to Excom-
municat,
Angus, Er-
rol, & Sempil.

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and hastie admission of Ministers. The *third*, the present distraction among the Brethren, which the enemies laboured to foster; and the restraint of so many faithful Brethren, Banished, Imprisoned or Confined within or without the Countrey, who, while they were present in their own places, were a terrour to the Enemies. The remedie of the *first*, that a Petition be presented to his *May.* for the libertie of General and Provincial Assemblies, conforme to the Act of Parliament; and that such Office-bearers, as are suspected of Papistrie, be removed, and sound professors placed in their room. For the *second*, that a large time be spent in trial before the imposition of hands. For the *third*, that an Overture be found-out for removing of the present distractions, and a petition be sent to his *May.* for the Banished, Imprisoned, and Confined. The causes and remedies I have here set down, as they are extant in the register, which was in the Bishops hands.

Acta Sess. quinta, 28. July post meridiem.

The Brethren appointed of before, for revising and putting in order of the causes of the increase of Papistrie within this Realme, and of the Overtures for remedying and suppressing of the same, gave in the said Causes, and Remedies thereof, of which the tenor followeth.

The causes of the growth and increase of Papistrie within this Realme, are thought either to arise of the part of the Ministry, or else of other causes:

The causes arising from the Ministry.

1. Their negligence to see the youth, in every Parish, brought up in the knowledge of the Truth by Catechizing; and carelesness to urge provision for Schooles within their bounds.
2. The rash and sudden admission of men to the Ministry, that are not able to withstand and convince the Adversarie: a dangerous evil in these dayes of Apostasie.
3. The lack of care in Ministers to mark offences, *viz.* to consider the course of the Enemy, and discover and delate Jesuits, and Traffickers against Religion, and others perverted by them.
4. The distraction arising among the Ministry, whileas diversitie of judgment hath drawn them unadvisedly to contrariety of affection, breeding carnal contentions among themselves.

Overtures for remedying of the Causes foresaid.

1. Let it be of new enacted, that all Ministers examine young children of the age of six years, and try that they have the Lords Prayer, and the Articles of the Belief, with the Commandments, in the which their Parents shall be holden to instruct them before the said years, together with some short form of grace before and after meat, as also some short morning and evening prayer: And again, that their growth in knowledge, in greater points of Religion, be tried; that afterwards it may please God to grant increase of knowledge: And that at the age of fifteen years, they may be admitted to the Holy Communion.
2. That the Apostles precept may be remembered, *lay hands suddenly on no man*, and according to it, that, for the closing of the doore upon the affections of men, some longer time may be prescribed for the admission of men to the Ministry, the exception of rare gifts being referred to the Judgment of the General Assembly.

That

That Ministers, who shall be found after trial to have delayed the execution of Discipline against Papists, upon negligence, that is, either not beginning proceſſe, or if begun, not ending the ſame within half a year, ſhall loſe a years ſtipend; and thoſe that ſhall be found to have done it upon ſome corrupt favour, ſhall be *ſimpliciter* Depoſed.

That there be recommended to the Miniſtrie an holy care mutually to eſchew offences, and to follow peace and love, wherunto we are called. The mean of removing ſuch offences are referred to the Aſſembly.

Causes of the growth of Popiſtrie, as they are conceived to ariſe from others.

The overſeeing of Jeſuits and ſeminarie Priests, to traffick within the Land, for perverting of ſuch as have not had occaſion to go out of the Countrey, and impunitie of ſuch as have received them: as alſo the libertie that evil diſpoſed Perſons, void of knowledge, have taken of the injurie of the time, to bring home the books of Apoſtats and profeſſed Papists.

The preferment of men ſuſpected of Religion to publick Offices within the Realme.

The favour ſhewed by theſe that are in Authoritie, to Traffickers and Excommunicat Papists, after they have been apprehended and warded, ſuch as the Abbot of *Newabbay*, and other maſſe Priests, dimitted, as is thought, out of ward, not without reward, without all warrant from his *Maj.* and preſently tollerated in the Countrey without purſute: Which hath not only wrought a coldneſs in Religion, in the hearts of many people; but alſo nourished a falſe opinion of his *Maj.* which openly burſteth out in the mouthes and ſpeeches of many.

That where Presbyteries are proceeding in the triall of Maſſe-fayers and Maſſe-hearers, impediment is made by the Lords of his *Maj.* Secrer Council, either by Advocation before the Lords, or Diſpenſation to ſuch as are Excommunicat, or by contramanding the Presbytery to deſiſt, under the paines of horning: And that Excommunication being produced againſt any perſon before the judges, the ſame is not regarded; but proceſſe is granted to him, as if he were a member of the Kirk, and not Excommunicat.

The great libertie granted to the Subjects of this Kingdom, to reſort unto ſuch parts, where nothing is taught but Deſection from Religion, and Treason againſt Lawful Princes; and no ſecuritie taken for their conſtancie: And in ſpecial the ſending of Noblemens ſonnes by ſuch as are in Authoritie, out of the Land, with ſuch convey as may deliver them into the hands of Papists, to be perverted in Religion; whereupon many of them are become Apoſtats.

Laſtly, want of Preachers in many Congregations in this Land. So that in one Province, Thirtie one Kirks are to be found vacant; and in ſome others, Seventeen, as in *Nithſdale*; and in others Twenty eight, as in *Annandale*: And ſicklike in many other parts of the Land.

Overtures for remeeding the Causes foreſaid.

That a Commiſſion be granted by his *Maj.* to the Biſhop of every Synod, with ſuch well affected Noblemen and Gentlemen, as the

1608. Commissioners of the General Assembly shall nominat, to apprehend trafficking Papists, Jesuits and Seminarie Priests, that do haunt within their bounds, to charge the reserters to make patent doores, and to deliver them, under the pain of treason.
2. That his *Maj.* be humbly intreated, that no Papists, or persons suspected of Papistrie, bear charge in Council, Session, Government of Towns, or other like Offices; and if there be any in the State presently, whom his *Highness* knoweth in his wisdom to be men evil affected toward Religion, that his *Maj.* would be pleased to take order therewith.
3. That his *Maj.* would give order for execution of his *Highness* Lawes, against Papists and Traffickers, with all rigour; and that no favour be granted by any Officer of Estate, without his *Maj.* privitie, under the pain of incurring his *Maj.* high displeasure: as also that the Councel make no impediment by their Letters of horning, to discharge the proceedings of Presbyteries against the persons foresaids.
4. That Papists, who first have been known Professors of Papistrie, and for eschewing of civil pains, or hope of preferment, will abjure their Religion, that his *Maj.* will be pleased to cause enact, that it shall not be lawful to such to enjoy any Office or Honour in the Commonwealth, notwithstanding of their Oath and communicating, till five years probation have been taken of their constancie and sinceritie in the profession of the truth.
5. That the Act made at *Bruntland*, concerning the Sonnes of Noblemen and others, be considered and confirmed, whereof the tenor followeth. *Item* for eschewing of farther evil, which might come to the State of Religion, by the evil education of the youth out of the Countrey, &c. with such other additions to be added, as his *Maj.* shall think expedient: and in special, for better explanation hereof, that at every service of any man as heir to his Father, or any of his Predecessors, he be not served by the Sheriff, or any ordinarie Judge in Burgh or Land, as heir to his Father, or to any of his Predecessors, without the testimonial of the Bishop and Moderator of the Presbytery, where he dwelleth, bearing the confession of his Faith, and integritie of Religion presently professed within this Realme.
6. That the Sonnes of such Noblemen, as professe Papistrie, be delivered unto the custodie of other their noble Friends, that are of the Religion, to be brought-up in the knowledge of the Truth.
7. That the Searcher of Merchant-wares, brought home from beyond Sea, be commanded to sease upon the books brought home, and present them to be tried by the Ministry of the Presbyterie where they arrive: and that the like be done with Booksellers, before they make open sale, under the pain of confiscation.
8. That excommunicat Papists, specially such as be of rank, be apprehended, and put in cloffe ward, and none have access to them, except such as are of the Religion presently professed.
9. That his *Maj.* give order for the down-casting of the Laird of *Geight* his Chappel, the House of *John Cheyne* in *Kisilmouth*, who reserteth Jesuits and Seminarie Priests.
10. That order be taken with Pilgrimages, viz. the Chappel called *Ordiquibill*, and the Chappel of *Grace*; & with a welkin the bounds of *Einzie*, upon the Southside of *Spey*.

That such persons as are, or shall be excommunicat, and bear publick Office within this Realme, and thereafter put to the horne, that they nor their deputies shall brook no Office, nor Authoritie under his *Maj.* after the Denunciation: but that his *Maj.* shall appoint others in their rooms, to do and minister Justice to his *Maj.* Lieges.

Last, his *Maj.* would take order anent the planting of Kirks, that are presently destitute of Pastors; and in special, anent the Kirks of the Chapel Royal.

Which whole Causes of increase of Papistrie within this Realme, with the Overtures for remedying thereof, the Assembly thought expedient, that the same be directed to his *Maj.* with a humble Supplication, Requesting his *Highness* to take such order thereanent, as his *Maj.* shall think most expedient for repressing of Papistrie, and increase of the truth and light of the Gospel within this Realme; whereunto the Earle of *Dumbar* his *Maj.* Commissioner, with the remanent of the Nobility, presently convened in this Assembly, have promised to concur: and therefore the Assemblie hath nominated, and by these presents nominateth *George Earle of Dumbar, Wigtoun, John Archbishop of Glasgow. Levingstoun of Kilfyth, Mr William Couper Minister at Perth, James Nisbet Burgeis of Edinburgh, and Mr William Hart of Prestoun* their very lawful Commissioners, giving them their full power to present the Supplication of this present Assembly to his *Maj.* together with the Causes of increase of Papistrie, and Overtures for remedie thereof above rehearsed; desiring them, that they would most humbly intreat his *Maj.* to consider the same; and if his *Highness* thought expedient to cause the same be put in execution, and that the rather because that after the last Convention holden at *Linlithgow*, whereat there were many good Acts and Constitutions set down, and concluded, the Papists did neverthelesse most proudly & contemptuously upbraid diverse of the Ministry, menacing them, that they & the Nobility that convened with them, durst be bold to conclude any thing that might tend to the prejudice of Papists or Papistrie, as was clearly understood by the Brethren Convened in this Assembly.

Here ye may see, as the Causes and Overtures are set down by the Clerk, no doubt at the Bishops directions, we have the name of Archbishop, which was never heard of before in the Assembly attributed to any Minister. Here also some Prerogative is given to the Bishop, that without his testimonial none be served heir to his father, which I suppose to have been insert by the Clerk, at their direction, without the knowledge of the Assembly, as also the name of *Arch-Bishop*.

It was thought good, that the Commissioners above specified shall repair with all diligence to his *Maj.* and that they report his *Maj.* answer, betwixt and the fifteen day of *November* next to come. A number of Noblemen, Barones, Commissioners of Burghes, and Ministers were appointed to convene at *Edinburgh* the 15. of *November*, to receive from the said Commissioners the report of his *Maj.* answer: and in the mean time, the Assembly ordained the Presbyteries to proceed against Papists of all sorts within their bounds, with the censure of Excommunication.

This shew of hard dealing against Papists, was made to cover their present intentions, and *Matthæus Tortus* his alledgeance, where he challengeth the King of his promise made to the Pope & the Papists, much devised,

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but little performed. Constant Moderators were appointed at the last Convention in *Linlithgow* to be agents against Papists, and under that colour was appointed to them an hundred pounds. But now at this Convention, there is a great complaint made of the growth of Papists, & much business made to take order with them. So the pretended remedie, devised before for suppressing Poperie, proveth now ineffectual; & as much business, if not greater, is made then before; but to cover some new designs.

The Commissioners of the last General Assembly, being called to give an account of their whole proceedings, since the last Assemblie, offered themselves to be tried. Being demanded for production of their Acts & Proceedings in writ, they declared by their mouth *Mr John Hall*, Moderator in absence of *Mr Patrick Galloway*, that the same could not be found; because their ordinarie Scribes, and keepers of the rolles of all their Acts and Proceedings, *Mr James Nicolson*, and in his absence *Richard Thomsons*, had both departed this life, and they had travell'd with their Executors; but could not obtain the said scrolles. Therefore they offered to be tried particularly. So they were removed, and *Mr William Couper*, supplying the Moderators place, asked, if any man had any thing to lay to their charge. Silence was taken for approbation: and then he alledged sundrie Reasons, wherefore they should be continued. 1. Because they might travel from place to place, as the affairs of the Kirk required, by reason of their moyen and provision. 2. Their credit with the King. 3. Their long practice, experience, and skill they had in handling matters. 4. Because there was none in the Assembly meeter. Little opposition was made; but only a Protestation, that their continuing this year following should not prejudge the libertie of the Kirk, in their free election. But if the conditions, agreed upon at *Falkland*, had been kept, this continuation of Commissioners had not been touch'd, seing the Controversies of our Kirk did specially strike upon their proceedings. The tenor of the Commission here followeth.

Sess. sext. 29. Julij.

The said day, the Brethren of the General Assembly presently convened, having advisedly considered the necessity of electing and choosing Commissioners from this present Assembly, for giving advice to his Maj. anent the suppressing of Papistical Superstition, which increaseth more and more daily within this Realme. Therefore they have made, constitute & ordained, like as by the tenor hereof they make, constitute & ordain *Mr George Gladstones* Bishop of *St Andrews*, *Mr John Spotswood* Bishop of *Glasgow*, *Mr David Lindsey* Bishop of *Ross*, *Mr Alexander Lindsey* Bishop of *Dunkelden*, *Mr Peter Bleckburne* Bishop of *Aberdeen*, *Mr James Law* Bishop of *Orkney*, *Mr Alexander Douglas* Bishop of *Murray*, *Mr Gawin Hammiltoun* Bishop of *Galloway*, *Mr Alexander Forbes* Bishop of *Cathness*, *Mr Andrew Lambe* Bishop of *Brechen*, *Mr Andrew Knox* Bishop of the *Isles*; *Mrs Patrick Galloway*, *David Home*, *John Clappertoun*, *John Knox*, *Robert Horvie*, *John Hall*, *John Caldcleugh*, *John Strauchan*, *Andrew Boid*, *Andrew Leitch*, *Robert Wilkie*, *Patrick Sharpe*, *Patrick Simpson*, *George Hay*, *Patrick Lindsey*, *William Scot*, *Adam Bellenden*, *John Hay* and *William Couper*, or any Eleven of them, their very lawful and undoubted Commis-

sioners

tioners from this present Assembly; Giving, granting and committing to them, or to any Eleven of them, as said is, full power to plant such Kirks in the special Burrow-townes, as presently are, or shall be found destitute of Pastors, before the next Assembly. *Attour*, if it shall happen the Kings Maj. to be grieved at any of the Ministry, for whatsomever enormitie committed by any of them against his *Highbneß*, with power to them, or any eleven of them, as said is, to try and cognoscethereupon, and to take such order thereanent, as they shall think expedient to the Glory of God, and well of the Kirk. And *finally*, with power to present the grievances and petitions of the Kirk to his Maj. & *Highbneß* Secret Council, General Conventions in Parliaments, that shall happen to occurre before the next Assembly, and to crave redresse of the same; ordaining them to give account of their proceedings to the next Assembly, where they shall happen to convene *Promitten. de rato &c.*

It is alwayes specially provided, that this present nomination of the same Commissioners, which were for the most part Commissioners in the last Assembly, shall no wayes be prejudicial to the liberty of the next Assembly, in choosing and electing Commissioners, whom they shall think most meet and expedient; neither shall this election induce, or import any perpetuity of the Office, in the Persons elected.

Item, it is statute, that the Commissioners be desired and warned to keep all their Conventions, if opportunly the same may be done.

Some were nominat here for the fashion: As for exemple, Mr *Patrick Simpson*, Mr *William Scot*, Mr *John Knox*. Eleven are counted sufficient to make a full meeting, and eleven stiled Bishops are here nominat with the first, so that the Eleven Bishops might make up a lawful Convention of Commissioners; & so, under colour of a Commission, over-rule the affairs of the Kirk. This point, concerning the renewing of the General Commission, was brought in after the first heed concerning Papists, whereanent many plausible things were devised, & before the second main heed, concerning distraction, for fear of some opposition in handling of that heed: But there was no cause of fear.

Because the distractions, & eyelasts among the Brethren, were alledged to be one of the most special causes of the increase of Papists and Papiſtrie, the Bishops of *Saint Andrews*, *Glasgow*, *Ross*, *Orkney*, Mrs *John Hall*, *Patrick Simpson*, *William Couper* were appointed to convene with the Kings Commissioner, to advise upon the most solid and substantial order, for removing of the said eyelasts, and distraction. Mr *Patrick* was too forward in this Reconciliation; and desired, that the Brethren would not judge rashly of their proceedings at *Falkland*. It was concluded in the Assembly as followeth.

Acta Sess. septima, 29. July post meridiem.

The said day, the Brethren, appointed for advising upon the best Overtures anent the distractions and eyelasts, which were entred in the hearts of the Ministry, declared, that after mature deliberation, they found the said eyelasts and controversies to arise, either upon distraction of affections, or else diversity of opinions. The *first* whereof being carnal, and therefore the more dangerous; because it suffered not the Brethren, whose affections were separated, to unite themselves with easold and uniform counsel and advice, to resist the subtile practices of the Common enemy; and so gave them place, with their subtile crafts and

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shifts, to enter in the Kirk of God, and thereby to supplant and undermine the same. Therefore the advice was, that as the danger increased by nourishing of the distracted affections of the Brethren, even so the remedie was the more necessary, and the more hastily to be applied; to wit, that the whole Brethren of the Ministrie presently, in the fear of God, lay down all rancour and distraction of hearts and affections, which either of them have born against other, in any time by past, and be reunited and reconciled with heartie affection in Christ, as becometh them who are Ministers of the Word of God, and preachers of peace and Christian love, and charity to his people, to the effect that by this heartie reconciliation, their hearts and advice may be conjoined, for disappointing of the craftie device of the Common Enemie.

Which advice, the whole Brethren of the Assembly most lovingly and heartily embraced, and ordained as well Commissioners that were present, as the Ministry that were absent, to obey the same, by laying down all grudge or rancour that any did bear at others; in token whereof, and of an easfold union of hearts & affections, they all held up their hands to God, testifying to his *Maj.* the truth of their hearts in the said matter: And likewise ordained the same to be intimat to the rest of their Brethren, at their returning to their Presbyteries, to the effect that the same may be done in every Presbytery, immediatly after their returning, as said is; inhibiting also and discharging any such distractions or rancours to be among them, either in Affection, or Word, Deed or Countenance; but that they concur in a mutual friendship and holy amitie in God, as becometh the Pastors of the Kirk of Christ: And whosoever doth in the contrair, that he be censured in his own Presbytery or Synod; and in case of their negligence, by the Commissioners of the General Assembly.

As for the *second* cause of the eyelasts, which is said to arise upon the diversitie of opinions: Because the said diversitie of opinions resulteth upon different Judgements among the Brethren, concerning the External Government and Discipline of the Kirk, which cannot be shortly discussed, and advised upon at this present Assembly. Therefore it was the opinion of the Brethren foresaid, that the same should be delayed to a more convenient time; and in the mean time certain be appointed to Reason, Treat, & Advise upon the same, which likewise the Assembly hath thought expedient. And therefore they have elected and chosen the Brethren after following *viz.* the Bishops of *St Andrews, Glasgow, Dunkelden, Orkney, Cathness, Mrs Patrick Sharpe, Robert Howie, John Mitchelson, Henrie Phillip, George Hay, Patrick Gallo-way, John Hall, Patrick Simpson, William Scot, Archbald Oswald, John Knox, John Carmichael, Adam Bannatine, John Weemes and William Couper* Commissioners in that part, to convene with his *Maj.* or such of his *Maj.* Council, as his *Maj.* shall appoint, at such time and places as they shall be required by his *Maj.* and to Reason and Consult upon all matters, standing presently in controversie among the Brethren, anent the Discipline of the Kirk, and whatsoever they agree upon to report to the next General Assembly.

And in the mean time, while the next Assembly, for an *interim*, the advice of the Brethren, convened at *Falkland* the 16. day of *June* last by past, be observed anent the constant Moderator.

This remedie of the present distractions was dangerous: For under pre-

text of reconciliation, the Bishops insinuated themselves in the affections of the simpler sort, and obtained indirectly, that all their bygone wrongs in the Kirk should be forgotten. Under pretext of Conference, for removing of differences of opinions, they thought to have brought in suspense and question the whole Discipline of the Kirk; howbeit they themselves professed they had no intention to alter it. The Ministers, appointed for the sincerer sort, were chosen at the pleasure of the other partie, of which some were present, others confined, and absent; *Mr Adam Bannatine*, *Mr John Abernethie* and *Mr William Couper*, three nominated for the sincerer side, became Bishops not long after. *Mr Patrick Galloway* and *Mr John Hall*, nominated likewise for the sincerer partie, were two pernicious instruments circumveining many of the Ministry with their pretences. If there had been an upright intention to be reconciled, *Mr James Melvine*, *Mr William Scot*, *Mr John Carmichael* and others confined, had been set at libertie, that they might have been present at this Assembly. But the men were wise, and they feared their sagacitie. *Mr Patrick Simpson* was the man of chief note of those that were present of the sincerer sort, but too credulous.

Motion was made to the Moderator to request his *Maj.* Commissioner with the rest that were to be sent up to Court, to request the King, in name of the Assembly, to grant the banished & confined Ministers their wonted libertie. They granted to do so for all, but the Banished Brethren, to whom the King would grant no relief without confession of a fault. But what sincere dealing there was for the rest, ye shall see soon after, in the treacherous instructions, given to *Mr Gawin Hammiltoun* Bishop of *Galloway*, subscribed by *Mr John Spotswood* in name of the rest of the Bishops. When they pretended peace and reconciliation, there was nothing but war in their hearts.

The Moderator pressed to have Bishops appointed Visiters of their own Diocies; but it was resisted: And therefore all Visitation was left off, as if no Visitation could be had without them. Only some were appointed to Visite the Kirks of the unplanted Dails, the Kirks of *Cathness* and *Ross*, with power to plant Ministers in the Kirks within the said bounds respectively; and to try the literature, qualification and conversation of such as were already planted: And in case of insufficiencie, to deprive them from their functions: To cause Kirks be re-edified where they are demolished: To unite Kirks where necessity requireth; and to report to the next Assembly. In the mean time *George Johnstoun* and *Mr David Calderwood* were confined in their own Parishes, at the instance of *Mr James Law* Bishop of *Orkney*, their pretended Visiter; and had not access to complain to this Assembly of the injuries done by him to them.

In the end *Mr George Gladstones*, Bishop of *St Andrews*, had an harangue, extolling Gods goodness, the Kings Kindness, and the Noblemens zeal. The next Assembly was appointed to be holden in *Edinburgh* the last Tuesday of *May* next to come, if his *Maj* shall think it expedient. After thanksgiving, conceived by the Moderator, was sung the 33. *Psalm*, and so the Assembly dissolved.

The Bishops got sundrie advantages in this Assembly. They were continued Commissioners of the General Assembly, and established Moderators in the Presbyteries, where they were instituted: Under pretext of reconciliation, they obtain in a manner an oversight for bygoners: Un-

der pretence of a Conference, they minde to call in question the whole Discipline of the Kirk. Therefore at the Exercise, in the Presbyterie of *St Andrews*, soon after, the Doctrine was censured by some of them, as delivered against the Crosse; even as if not one word might have been uttered in the matter of Discipline. It was the foolishness, or rash boldness of some of the better sort, that gave the other partie advantage: For it became them not to have meddled with such matters, at this Assembly; but should have opposed till their worthie Brethren, who were more able and skilful in these matters, had been present: For how can an Assembly be counted free and full, where the chief Ensign-bearers are excluded. Three of the confined were more able to mannage these affairs, then a great number that were present. What preparations were made for this Assembly, that it might give way to their designs, we have observed before. When *Mr James Melvine* heard of their proceedings, writting to his familiar friend, he said, he saw clearly that, whereof he had been forwarning the Brethren, ten or twelve years before, that either God must change the Kings heart, or the Government of our Kirk must be overturned.

The year preceeding, the King perceiving, that the two Breeves of *Pope Paulus* the fifth, & *Cardinal Bellarmine's* Letter to the Archpriest *Blackwal*, were like to draw the Papists from Obedience to his Authoritie, thought meet to publish a book, bearing this Title, *Triplici nodo triplex cuneus*, or *An Apologie for the oath of alledgeance against the two Breeves of Pope Paulus the fifth, and the late Letter of Cardinal Bellarmine to Blackwal the Archpriest*. Within half a year after, *Bellarmino* set forth an answer, under the name of *Matthæus Tortus*. The passages which grieved the King most, were those wherein he alledgeth, that some of the Kings Officers of Estate put the Pope & Cardinals in hope, that the King would professe himself a Catholick, when he came to the Crown of *England*, and that the King himself had written Letters full of courtesie to the two Cardinals, *Aldo-Brandino*, and *Bellarmino*, where in he craved, that one of the Scottish nation might be created Cardinal; that by him as an agent, he may the more easily and safely do his business with the Pope. To clear the King of these imputations, there was much Business at the Assembly, holden last at *Linlithgow*, for taking order with Papists: and Secretar *Elphinstoun*, Lord of *Balmerinock*, was sent for to Court, and accused of dealing with the Pope, and writting to him without the Kings knowledge; whereupon hath risen slander upon his Maj. and diverse attemptats of Papists enraged; because they found themselves disappointed of the great expectation they had, that the King would become a Catholick. The Letter written to the Pope, & the instructions given to *Sir Edward Drummond*, ye have before in the year 1599. What were his answers, and how he was brought to confesse, that the Letters were surreptitious, it were too prolix here to insert, as he hath set down the storie himself. *Mr John Spotswood*, then Bishop of *Glasgow*, thereafter Bishop of *St Andrews*, his great enemy, made the King believe, that so long as he was in Office, the state of Bishops could not be advanced. He wanted not other enemies also, both at Court, & here at home. It is true, that in the beginning he furthered the course of Episcopacie, for the Kings pleasure, and was sharpe against the six Ministers, attainted of treason at *Linlithgow* for their Declinature. But now he began to resent the ambition of the Prelats, aspiring to the chief

Government of matters of Estate, and set himself indirectly and covertly to crosse them. His conviction followed the year following, whereof we shall speak more in the own place.

In the mean time the King was much offended with the Town of *Edinburgh*, for continuing Chancellour *Setoun* Provost of their Town, howbeit he had written before to the Town Council, to choose one of their own Burgeses, conform to the Act of Parliament. Whereupon *Sir John Arnot*, Treasurer Depute under the Earle of *Dumbar*, and his special Favorite, was chosen Provost upon the 15. of *November*, and the Chancellour demitted the Office, which he had kept the space of nine years.

In the beginning of *Januar*, these Verses following were spread in *Edinburgh*, wherein shortly were described the conditions & manners of our new Prelats, whose names are these following, Mrs *George Gladstones* Bishop of *St Andrews*, *John Spotswood* Bishop of *Glasgow*, *David Lindsey* Minister at *Leith*, Bishop of *Ross*, *Garvin Hammiltoun* Bishop of *Galloway*, *Andrew Lambe* Bishop of *Brechen*, *James Law* Bishop of *Orkney*, *Alexander Douglas* Bishop of *Murray*, *Andrew Knox* Bishop of the *Iles*, *George Graham* Bishop of *Dumblane*, *Peter Bleckburne* Bishop of *Aberdeen*, *Alexander Lindsey* Bishop of *Dunkelden*, *Alexander Forbes* Bishop of *Cathness*, *Neil Campbell* Bishop of *Argyle*.

*Vina amat Andreas, cum vino Glasgva amores,
Ros cætus, ludos Galva, Bricheus opes:
Aulam Orcas, ollam Moravus, parit Insula fraudes,
Dumblanus tricas, nomen Abredonius;
Fata Caledonius fraterni ruminat agri,
Rarus adis parochos ó Catanæ tuos.
Solut in Argadijs Præsul meritissimus oris
Vera Ministerij symbola solus habes.*

At the dissolving of *Linlithgow* Assembly, some of every Estate were appointed to meet at *Edinburgh* the 15. of *November*, to attend the return of their Commissioners from the King: but this meeting was continued to the sixth of *December*, at which time the King appointed a Convention of the Estates, which was also continued to the 24. of *Januar* this year. *Spotswood* Bishop of *Glasgow*, and *Mr William Couper* then a Court-Minister, reported, that the King commended the proceedings of that Assembly, which was holden at *Linlithgow*, that his *Maj.* had granted absolutely what concerned Papists or Papistrie, and had sent the Earle of *Dumbar* armed with all Authoritie needful to do, as they craved. But as for the Brethren, that were under the Kings displeasure, banished, imprisoned or confined, if they would make an humble Supplication for their libertie, so Gentle and Clement was his *Maj.* that he would be readier to grant, then they to suit. Some things passed to grace the Bishops. 1. That they should be examiners of pedagogues, that went with Noblemen and Gentlemens Sons out of the Countrey. 2. That no young Gentlemen suspected of Popery be entered to their Lands, till they have the Bishops recommendation to the inquest, and a testificat of their soundness in Religion.

After the dissolving of the Convention, the Bishops, convening together, thought it expedient to delay the day appointed by the Earle of *Dumbar*, and the Commissioners of the General Assembly, for the Con-

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The
Bishops
described.A Con-
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delayed.

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The Bishops informations sent to Court.

Mr Garwin Hammiltoun, Bishop of *Galloway*, was sent up to Court, to informe the King of all things needful for the furtherance of their course. The memorials sent at that time, penned and written with *Mr Spotswoods* own hand, but with the warrant and advise of the rest of the Bishops, and found among *Mr Garwin Hammiltoun's* writs, immediately after his death, I have here set down, that the Reader may perceive their treachery. They protested they were innocent of any hard dealing used against the Ministrie, or of misinformations given to his Maj. in prejudice of any of his Subjects: But here ye see a proof of the contrair. They delate Counsellors, Sessioners, & Ministers. Norwithstanding of the shew of solemne Reconciliation, which was made at *Linlithgow* Assembly, and before the Conference appointed to remove differences in opinion, & promise to procure favoure for the warded & confined, they urge the confinement of *Mr John Murray* in a barbarous part of the Countrey, not being content with his warding in the Castle of *Edinburgh*: Because it was too near to his own Parish in *Leith*, where they had their Consultations. They seek presentation of Ministers to modified stipends to be put in the Kings hand, that none may be presented, but such as favoured their course; as the event thereafter did prove. They seek a place among the Senators of the Colledge of justice, and the Commissariots. In a word, they lay down Overtures to the King for advancing of their course, and yet ascribed all to the King himself, to derive the enyie from themselves.

Memorials to be proponed to his most excellent Majestie.

1. You shall relate the proceedings of the late Convention, and what affection some that were present kithed therein, that his Maj. may be foreseen with mens dispositions, for the better choise of those, to whom the affairs shall be concredited.
2. You shall remember the care we have had of reclaiming the *Marques of Huntlie*, and the Earle of *Errol*, from their errours, and the small profite we have seen thereof; and insist for his Maj. favoure to the petition of our Letter.
3. **Arent** the Ministers that are confined, your *L.* shall excuse the request made by us, in some of their favours, shewing how it proceeded; & farther declare, that of late they have taken course to give in Supplications to the Council, for their enlarging to a certain time, for doing their particular Business at Session, and otherwayes in the Countrey; and that some of them have purchased licence by the Votes of the Council, although we opposed. Therefore beseech his Maj. to remember the Council that the confining of these Ministers was for faults done by them to his *Highnesse* self, and that they should be acknowledged and confessed to his Maj. and his *Highnesse* pleasure understood therein, before the grant of any favour: Otherwise they shall undoe all that hath been hitherto followed for the peace of the Kirk.
4. Touching the Erections, it is our humble desire to his Maj. that the Noblemen, in whose favours the same have been past, may take order for the provision of their Kirks, according to the conditions made in Par-

liament,

liament, or then discharge their Erections, which seemeth best to be done by an Act of this ensuing Session of Parliament, for which his *Maj.* warrant would be had. And siclike, some course would be taken for the Prelacies erected, which have past also the constant Plat: that the presentation of Ministers to modified stipends, at the Vacancie of a Church, should be in his *Maj.* hands; whereunto though his *Maj.* expresse Commandment was given of before, no heed was taken by such as had the charge of affairs.

Since this matter of the Commissariats importeth so much to the Reformation of our Church Government, as this being restored, in a little time the rest may be supplied, that will be wanting, it shall be good to remember it by a serious letter to my Lord *Dumbar*, that we may know in due time what is to be expected. And since our greatest furtherance is found to be in the Session, of whom the most part are ever in heart opposite unto us, and forbear not to kyth it, when they have occasion; ye shall humbly intreat his *Maj.* to remember our suit for the Kirkmens place, according to the first Institution; and that it may take at this time some beginning, since the place vacant was even from the beginning in the hands of the spiritual side, with some one Kirk man or other till now; which might it be obtained, as were most easie by his *Maj.* direction and commandment, there should be seen a sudden change of many humours in that State, and the Commonwealth would finde the profit thereof.

Anent our conference with the Ministrie, your *L.* will declare the time that is appointed, and the reasons of the continuation of the same.

Because in time of Parliament chiefly it should be expedient to have the Bishops teach in the Pulpits of *Edinburgh*, his *Maj.* would be pleased to commend this to my Lord of *Dumbar* by a particular Letter; and to require also the Ministers of *Edinburgh* to desire their help at that time, if it were for no other end, but to testifie their unitie and consent of mindes to the Estates.

Because the Kirk of *Leith* lyeth destitute in a sort, through the Bishop of *Ross* his age, and the imprisonment of Mr *John Murray*; and that the said Mr *John* is no wayes minded, as appeareth, to give his *Maj.* satisfaction; neither were it meet, in respect of his carriage, that he should return to that Ministry; and to insist in his deprivation with the Commissioners, might perhaps breed us a new difficultie; if his *Maj.* shall be pleased, we hold it most convenient for this errand, that the said Mr *John* be conveyened before the Council by his *Maj.* command, and by them charged to Ward in the Town of *New-Abbey*, & some miles about, having libertie to teach that people, among vvhom he shall finde some other subject to vvork upon, then the Estate of Bishops. And for the provision of *Leith*, that his *Maj.* vvould be pleased to command the Presbytery of *Edinburgh*, in regard of the Bishop of *Ross* his age, and the said Mr *John* his transportation by his *Highness* appointment, to have care that the said Kirk of *Leith* be planted vvith all convenient diligence by Mr *David Lindsey*, sometime Minister at *St Andrews*, for vvhom both the people is earnest, and vve may have sufficient assurance to his *Maj.* service. And in case the said Presbytery prove vvilful, that another Letter to the same effect may be sent to the Commissioners of the General Assembly, vvho may take order to see that matter ended, if such shall be his *Maj.* pleasure; and this vvould be done vvith all diligence convenient.

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We cannot but remember also the misorder kept in the Countrey, that once was happily repressed, the wearing of gunnes and pistols; and humbly beseech his *Maj.* that some new course may be established for searching of such persons, and delating of them to the Councel, that they may be punished, and the Treasurer may have commandment to make choise, in every Countrey, of certain, that shall be thought fittest to search, who shall be known only to his *L.* self, and satisfie them for their pains, to the end this insolencie may be restrained. Particularly it would be forbidden, in the granting of Commissions, that this libertie be not permitted: for this is one of the causes of their so often bearing, as said is.

These particulars your *L.* will have care to propone to his *Maj.* at some fit time, and see the answers thereof dispatched accordingly.

Glasgow, by the warrant and desire of the rest of my Lords the Bishops.

Your *L.* shall remember my *L.* of *Cathness* of his Pension.

My Lord, when your *L.* shall speak for the help of our Kirks, by the fall of those men that possesse our livings, and do justly incurre his *Maj.* indignation by their heinous offences, be pleased to remember the place of *Lanerk*; the possessors of the tithes be now Excommunicat, and at the horn. Desire his *Maj.* favour for the grant of them to *Mr William Birnie* Minister there, whose disposition your *L.* knowes to his *Maj.* service; and his *Highbness* Letter for that effect to my Lord Treasurer, that he may be possessed in the same, with all convenient diligence. Likewise remember the provision of *Cramond*, and the Bishop of *Dunkeldens* interest to these tithes.

Glasgow.

L. Balmerinoch
convicted.

James Lord of *Balmerinoch* was found, and declared by an Assise at *St Andrews*, upon the tenth of *March*, in respect of his judicial Confession, to be guiltie of the Treasonable, Surreptitious, Fraudulent and False Stealing of his *Maj.* hand to a Letter, directed to Pope *Clement* the eight, without his *Maj.* knowledge, and contraire to his *Maj.* declared will; and of the treasonable affixing of his *Maj.* Signer to the said false Letter; of adding, after the subscription of the said Letter, of the stiles of *Sanctitas*, and *Filius*; of assisting known professed Papists in their treasonable Courses, to the danger and subversion of Religion, and namely of treasonable assisting of *Sir Edvard Drummond*, in his treasonable trafficking for the advancement of Popish courses, whereby his *Maj.* Life, State and Crown of this Realme, with his right of Succession to the Crown of *England*, were drawn in most extream peril. In his own memorials he hath these words, *Next followed my conviction in St Andrews, wherein I was the onely Actor my self, to give his Maj. satisfaction, following in every point the Earle of Dumbars direction, brought to me, either by my Lord Burley, or the Lord Scoone.* It is to be observed, that about the same time the Kings reply to *Matthæus Tortus*, with a Monitorie Preface to the Emperour, and all Christian Princes, came forth in print; and yet no mention was made in that Book of *Balmerinoch's* Confession, or Depositions, which might have served to great use for purging the King of *Tortus* his imputations. Yea, when he was at

London

London last, he was urged to subscribe his Depositions, because, as was alleged, the not subscribing hindered the progresse of the Kings answers to *Tortus's* Book, whereof that deposition behoved to be a part. *Balmerinoch*, in his memorials upon this matter, recordeth, that his service, in sending these Letters, was steadable to the King at that time when they were sent. For then *Essex* was in his Triumph, and *Valentine Thomas* his proesse was in deducing to the Kings prejudice, to disable him of his claime to the Crown. That by direction from *Rome*, all the Catholicks in *England* prepared themselves in Armes, for maintainance of the Kings Title; and the Spanish courses were crossed at *Rome*. That *Sir James Lindsey* his employment followed after, and special dealing with diverse Catholicks in *England*, wherewith the greatest guiders of *England* being terrified, and *Essex* taken out of the way, the Earle of *Salisbury*, *Sir Robert Cecile* by *Sir Henrie Haward* Lord of *Hamptoun*, sought means to the King. That the Catholicks were then the surest fort his *Maj.* had there. Like as the King in his first speech in the Parliament Houfe, extant in print, and in a printed Proclamation under his hand, did not dissemble, how farre as a Prince he was bound to Pope *Clement*, and what great loyaltie and affection he had found in Catholicks. The doome, after his conviction, was delayed till the Kings farther pleasure were known, and then it was pronounced in the Tolbooth of *Edinburgh*, in presence of *Sir William Hart* Justice Depute, and Lords of Council, viz. that he should be headed, quartered, and demaimed like a Traitor, and his members set up in publick places, he was conveyed the same day toward *Falkland*. The King sent down, in *October* following, a warrant to give him libertie of free ward in *Falkland*, and a mile about, he finding caution not to escape, under the pain of fourtie thousand pounds. Yet he, fearing the worst, or taking deeply to heart the great disgrace and ignominie, under which he was lying, ended his dayes in displeasure, not long after.

As the Bishops, in their memorials sent up to Court, had advised the King concerning *Mr John Murray's* transportation; so by the Kings direction he was brought out of the Castle of *Edinburgh*, and presented before the Council. When he was first removed, the Earle of *Dumbar* dealt with him earnestly to pleasure the King, to go the Bishops way, and to see to his own profit, which he promised should be large. He answered, I will not dissemble with your *L.* nor deceive his *Maj.* that it is the way, wherein I will never walk, seing in my conscience and to my knowledge it is wrong. So he was called in, and the Kings Letter read, wherein his confinement with all the circumstances were set down, viz. that he should within twenty dayes go to *New-Abbey*, and there keep within compasse of four miles; preach none nor go to *Leith* before his departure. He answered, as for my calling, and for the libertie of it, I have it from the Lord *Jesus*. As for my confinement, I have not procured it by any kind of misbehaviour. As I was ever willing, so now likewise I submit my self to the straitest trial. It may be, it be his *Maj.* will; but I know well it is not his *Maj.* invention, whom I never offended. It is the device of men, maliciously set against me without a just cause, for their own particular ends, before whom I may preferre my self in all loyal obedience to his *Maj.* both as a Minister, and as a Subject. The Bishops were dashed, and the Council would gladly have mitigated sundrie circumstances of his Confinement; but feared, because the Bishops were as Captors and Delaters. After he

M. J. Murray confined.

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was removed, Chancellour *Setoun*, gathering some courage, affirmed, that it was a most unworthy and barbarous dealing in the Bishops, to put one of their Brethren of the Ministrie from the place, where he exerciseth his calling, and lifted up his stipend, and cast him out to a remote part, where he had no provision allowed him. His Calling, his Qualitie, and the Qualitie of the Gentlewoman his wife, crave another kinde of Respect, and greater Discretion. The Bishops answered nothing. So *Mr John* went to *Dumfreis*, which is distant four miles from *New Abbey*, where he preached, notwithstanding he was discharged by the Kings Letter read in the Council: For he had a fairer occasion to preach there, then at *New Abbey*. In the mean time the Bishops were careful to plant *Mr David Lindsey*, one of the Ministers of *St Andrews*, in his room, notwithstanding of the Protestation of the Parishoners, made in the contrair: for intruding and extruding of Ministers was now become familiar to the Bishops, abusing the Authoritie they had purchased by false means from corrupt Assemblies, to wit, the power of a General Commission. He stayed in *Dumfreis* about a year and an half, preaching either at *Dumfreis*, or at the Kirk of *Traquir* beside. At length perceiving, that his wife and children were growing sickly, that there was no end of the Bishops malice, and he could be in no worse case then he was, all means & maintenance being taken from him, he resolveth without licence, either of King or Council, to transport himself and his familie to *Dysert*, where he remained privat half a year, & then came over to *Saltprestoun*, where he preached every Sabbath. So we see how in time of truce, & after Reconciliation, pretended at *Linlithgow*, & before the Conference holden at *Falkland*, the Bishops deal with the honest men; and how *Mr John* was used, not being convicted of any crime, either at his first, or last compearance before the Council.

M. I. Ham-
miltoun
appre-
hended.

In the moneth of *May* *Mr John Hammiltoun* Apostat, sometime Professor of Theologie in *St Andrews*, a great trafficker among Noblemen, was apprehended, and *Paterfon* a Masse priest, while he was at Masse in the Canongate, whereat there was about fourtie Persons. Interment was allowed upon them, so long as they were detained in Ward.

The Conference, appointed by the last Assembly, was holden at *Falkland* in the beginning of *May*. After the reading of the Commission of the General Assembly, and the Kings Missive, *Mr Patrick Simpsons* Letter was read. He excused his absence with the infirmitie of his bodie, and with all requested, that there be no Disputation against the established Church Government: Because there is no particular Commission from the General Assembly to that effect; as likewise because it is more competent to another Generation to enter in controversie upon such questions, then to us, who are not only bound by our own promises and subscriptions, but also have induced others by our travels to submit themselves to the Discipline, as unto the undoubted Ordinance of God. The Kings Commissioners, to wit, the Earles of *Dumbar* and *Wigtoun*, the Lords *Scoone* and *Fentounbarnes*, urged a Conference of five of either side apart, to set down an order of proceeding. After some reasoning upon this motion, it was admitted and followed: and for the Bishops were named *St Andrews*, *Glasgow*, *Mrs Patrick Sharpe*, *Robert Horvie* & *Philip*: For the Ministers, *Mrs Patrick Galloway*, *John Carmichael*, *William Scot* and *William Couper*.

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The Earle of *Dumbar*, the Lord *Fentounbarnes*, & Mr *James Larv* Moderator, and the Ten, who were chosen, went to the Kings chamber, where the Commission was read again, which being considered, it was thought very general by some; and for limitation, the particulars after following were proponed by the Ministers. 1. That the Brethren, among whom the alledged controversies were, should be particularly named, at least some way designed, whereby the one partie might be known by the other. 2. It was required, that the alledged controversies should be designed, and condescended upon. For clearing of the *first* point, these for the part of the Ministry declared, that they were one in judgment with the Godly Fathers, Reformers of the Kirk of *Scotland*, & such as had from time to time in General Assemblies appointed the Discipline, and obtained the ratification thereof; as also that they esteemed the Discipline appointed by the Kirk, and ratified by the Lawes of the Countrey, to be most Godly, and meet for the ruling of Christs Kirk within this Realme. Those of the other side came to no particular nomination or designation, whereby their difference from such as had established the Discipline, might be perceived. For better understanding of the *second* point, the Ministers desired, that distinction be made betwixt matters standing in controversie among the Brethren, and matters *extra controversiam* in the Kirk, in which case they take all things concluded in lawful General Assemblies to be comprehended. *Item*, that clear difference might be made betwixt privat Brethrens opinions and conceits (put the case the number were great) & matters in controversie in the Kirk, seing nothing can properly be called a controversie in the Kirk, but that which hath been received as a doubt before, in some General Assemblies, & dependeth as yet undecided. For there is an order concerning cases where Brethren doubt, and crave reformation, *viz.* that such matters should be proponed to the General Assembly *ordine et decenter, animo edificandi, non tentandi*. In respect of which order, it is no wayes convenient, that the said Ministers should participat in a Conference with their Brethrens opinions, different from the Judgement of the Kirk; and then report the same to a General Assembly. *Lastly*, seing the Assemblie of *Linlithgow* hath directed Commission, anent matters presently standing in controversie concerning Discipline, which clause of necessitie must be referred, either to matters that stand in controversie before that Assembly and in the time of it, or else to matters called and received in controversie before the same. It was demanded by the said Ministers, what particular matters either stood in controversie, or were called or received in Controversie?

The intention of this their dealing was to shew, that the Commission above-written did bear no warrant to the said Commissioners, either to make particular Questions and Controversies, which had not been heard in General Assemblies of before; or yet to call in Controversie the Acts, Conclusions, allowed Practices, or established Order of the Kirk. This form of dealing was taunted by some of the Ministers themselves (for some of them were not upright in the cause) and it was *alledged*, that it would be counted a shift; and so the blame would lye upon them. It was *answered*, it was better to bear that unjust blame, then to break a whole cause, which if it were broken, could not escape prejudice, seing the one partie were Sixteen or Seventeen, & the other but Nine. These on the other side, for the part of Bishops, termed that form of proceeding, *tergiversa-*

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tion, policie, quarrelling of the General Assembly, frustration of their good intention &c. Much talk was spent hereabout, and some threatening used also; but no clear satisfaction returned to the demand, and Propositions above specified. And so somewhat abruptly it was said, they met either for some thing, or nothing; and confusedly was cast in, that some of the Brethren had received the constant Moderators, and others not. So that was a controversie in the Kirk, said they, whether the Moderator should be Constant, or Circular, as they used the termes. *Item*, some of the Brethren think, that the Cautions should be kept, and others think reason craveth that they be abolished. It is a question then forsooth, whether the Cautions should be kept, or not? It was answered to the first, that the foresaid Assembly holden at *Linlithgow*, from which this Commission was directed, had expressly provided, that the advice, given in the Conference at *Falkland*, should be observed till the next General Assembly. And true it is, that in that Conference at *Falkland*, the meeting at *Linlithgow*, wherein the intended Innovation of the Moderators began, was espied, and that matter referred to be farther treated in the ensuing Assembly at *Linlithgow*; which Assembly, when it convened, acquiesced in the advice given at *Falkland*: So that there is no warrant in this Commission to call the accustomed and established Order of Moderation in doubt. Unto the second it was answered, that the Cautions, after long reasoning and advisement had in Presbyteries, Provincial and General Assemblies, were solemnly concluded in two Assemblies, the one holden at *Dundie*, the other at *Montrose*, his Maj. being present at both the one and the other, and as yet stand in full force unrepealed, and can no more be called in question by vertue of this present Commission, then the Añs anent Vote in Parliament, or any other Acts of General Assemblies. It was thought meet by the most part, that both these matters of Moderation and Cautions should be put in question. And so those, that went apart, re-entered in the place of the Conference, and all being present, the Moderator cunningly demanded, whether the said matters should passe in question, or not? It was answered for the most part Affirmatively, they should: And so the questions were conceived as follow. 1. Whether in Synods or Presbyteries the Moderation shall be constant or not? 2. Whether the Cautions, set down in the Assemblies holden at *Dundie* and *Montrose*, for restraining the Power of Bishops, should be observed and sworn to, or not? Thereafter the Moderator desired that one of either side should be nominat to reason these questions. But because it was late, thanks were given to God, and so they dissolved. After the dissolving of that Session, the Ministers met by themselves; and having conferred alittle, anent the advantage obtained by the other partie, by suffering themselves to be separated in that former Session, all were desired to advise that night upon the meetest remedie. Howbeit some of their number were justly suspected and feared, namely *Mrs Patrick Galloway*, *John Hall*, *Adam Bannatine*, *William Couper*: Yet they thought it not a convenient time to except against them, seing they were appointed by the Assembly holden last at *Linlithgow*. So they concluded to meet timously in the morning. And in this meeting, they concluded first, that *Mr Patrick Galloway* should be speechman, and that some others Assist him, as need required. 2. That they should suffer themselves nowayes to be divided; but whatsoever should be proposed, although of lesse importance, they should take it to be advised by

the whole number, before that any answer be returned. 3. That in respect of the members of that Conference, and of the qualitie of matters called in doubt, they could nowayes dispute but by writ.

Sess. 2 May. 5. They convened in the morning, and after prayer, the Moderator proponed, that one of either side should be named, & appointed to Reasone the first question. *Mr Patrick Galloway* being appointed to speak, answered, that it was most convenient to Reasone by writ. 1. For eschewing of idle and hot Speeches, superfluous Digressions, and impertinent Discourses, whereby the Brethren might be irritat, and time unprofitably spent. 2. For avoiding of different Reports to be made by the Brethren of different judgments, after the Conference. And therefore he required the other partie, that they would shortly and clearly set down their opinion in Articles, touching that matter, & Reasons whereby they would confirm the same, promising that the said Opinions and Reasons should be plainly and Brotherly answered, in such succinct form as they could possibly conceive, and expresse in writ. Many things were objected against that Answer and Offer; but all were answered. So the Ministers standing constantly to their resolution, the other Partie desired, that they might advise apart by themselves; which was granted: And so they sat still with the Kings Commissioners to advise. After the returning of the Ministers, the Moderator objected four Reasons against writ. 1. The custome of the Kirk of Scotland. 2. The custome of Conferences in other Countries; and some Colloquies were nominat to this effect. 3. His *Maj.* prohibition of writ. 4. Sundrie inconveniences that might follow thereupon, as namely, that copies would passe abroad, and come in the hands of enemies, whereupon would follow slander to Religion. To the *first* it was answered, that while the Kirk of Scotland had to do with the Councel, anent the treating and concluding of the heeds of Discipline, they gave and received writ one from another. To the *second*, that the Colloquies, nominated by them, had very evil events, and others treating by writ had better successe. As for the custome of Countreyes generally alledged, that writ was more usual then word, as may be seen by learned mens Epistles, printed Colloquies and Treatie of all ages. To the *third*, it is evident by his *Maj.* Letter, that his *Highness* intention is to settle all matters peaceably: Therefore writ, whereby jangling of words, hote speeches & tedious digressions shall be avoided, is the most fit & safe way to come to his *Maj.* purpose. To the *fourth*, that in case of agreement, interchanged Papers may be riven or burnt, and the Conclusions agreed upon only put in writ. If they cannot agree, whatsoever shall passe in writ may with common consent be destroyed. After these answers, the Ministers concluded, that reasoning by word without a judge could not possiblly be had, without tumult in the time of treatie, & different and contradictorious reports after the breaking-up of the meeting, whereby the present distraction would be augmented, the cause of Religion farther prejudged, by Papists & other enemies, watching & working for division among the Ministers, so far as they may. The Ministers thus standing to the matter, some words of terrour were vented. Thereafter the Moderator proponed, that a short storie might be set down of the meeting with common consent, to this effect, that the Commissioners met, the Commission was read, two questions were agreed upon, these for the part of the Bishops offered to dispute upon them, and the Ministers refused. The Ministers craved the last

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point to be reformed after this manner; that these for the Bishops offered to reason by word, and refused to reason by writ; & the Ministers were willing to reason by writ: and when they should come before the General Assembly, the Judge ordinaire to these matters, they should be readie to reason by word or writ, as it should please the Assembly to enjoin; but here they could not reason by word, because they wanted a Judge. This was refused, and so no historie was agreed upon. The Moderator desired, his *Maj.* Letter and the Commission being laid aside, either of the parties would advise upon some Overtures, for the peace of the Kirk; for report whereof it was appointed, they should all meet again the day following, at three afternoon.

Immediately after dinner, the Commissioners for the Ministers convened by themselves, and after Consultation agreed upon these Articles.

1. That a Declaration should passe from the Conference, to be published in the Kirks of *Scotland*, reporting, that the Kirks within this Realme are well constitute in Doctrine and Discipline, praised be God; and that the discord and difference among the Ministers anent the one and the other, aggraived and given out by Papists, Atheists and other Enemies, are but slanderous Calumnies, tending to sedition, and to deceive the simple.

2. That the handling of the discords, and differences among the Ministrie, be laid aside and spared, and the said differences covered under the skirts of brotherly Patience, & Christian Wisdome, while Papists and Papistrie be first proceeded against, and put to a point.

3. Seing that the matter of *Bishoprick*, and the *Hierarchie* cannot be handled at this time, but with advantage to Papists and Papistrie, and disadvantage to the established Order of this Kirk, which hath been a special mean, whereby they and their Kingdom have been dissipar and overthrown, that purpose would be superseded till the Land were purged of them.

4. That an humble Supplication should passe from this Conference to his *Maj.* for grace and favour to these Ministers, that have been so long banished, kept in prison and confined, that they might be relaxed, set at libertie, and have licence to return to their places.

Seff. 3. Eodem die hora tertia, the whole Commissioners convened; and after prayer, the Moderator required the Ministers to present their advice. *Mr Patrick Gallovay* presented the Articles abovewritten, which were read; and after reading some freted, and preased to speak; but by the Authorite of the Moderator and some others, silence was commanded. Thereafter the advice of the other partie was read; little said for it, and nothing against it. The Moderator desired the Ministers to take up their Articles, which being done, the Conclusion after following was agreed upon.

At *Falkland* the 5. of *May* 1609.

The Brethren convened, having read the Commission given to them by the General Assembly, and considering the generality thereof, and how it is needful for ending all Controversies, standing in Discipline among the Ministrie, that the particular points in question be con-

descended

descended upon, have for the present agreed upon two, viz. whether the Moderators of Synods and Presbyteries should be constant, or not? and whether the Cautions set down in the Assemblies, holden at *Dundie at Montrose*, for restraining the power of Bishops, should be holden and sworn unto, or not? Which two questions being proponed, because neither the brevity of time permitteth, nor is it for diverse causes thought expedient, to enter in reasoning thereupon at this present, the Brethren continue all treating of the same, till the first Tuesday of *August* next to come, appointed for their meeting to that effect in *Stirling*, willing and commanding every one of the said Brethren to advise, and consider gravely the said questions, and all the points of the same, and to be readie at the said meeting to propone their mindes, either by word or writ, as they shall think fittest: and farther to set down in writ all the differences, which they do conceive in the matter of Discipline, that some solid course may be taken with solid consent for removing the same. In the mean time it is thought expedient by consent of the whole number, that the General Assembly be prorogued to the first Tuesday of *May* next to come, to be holden at *St Andrews*, if so it shall please his *Maj.* that these affairs being brought to some point, report may be made, according as is ordained in the said Commission. And because his *Maj.* most zealous care for the good peace of the Kirk, and the suppressing of Papists, and all contrarie Religions, doth so many wayes appear, that we have all exceeding great matter of thanks to be given to the Almighty God, for the blessing bestowed upon the Kirk in his *Maj.* Person, it is found meet, that a Letter of humble thanks be written from this Conference to his *Maj.* and that in all Congregations of this Kingdom, Declaration be made by every Minister, of his *Hightness* good Affection, and resolved minde to settle the Kirk in peace and truth, and to free the same of all Enemies, and their pernicious practices: and that publick thanks be given to God for his mercies, and prayers conceived for the happie progresse of his *Maj.* purpose. As also the Brethren, knowing the great dangers that the Kirk standeth in, through the enemies of Religion, have thought meet to recommend to all the Ministers and Presbyteries within this Realme, careful proceeding against Papists, and such strangers as shall resort from forraign parts, and to give intelligence to his *Maj.* Commissioner, the Earle of *Dumbar*, or such other of his *Hightness* Council, as they are best acquainted with, whom they know zealous of Gods Truth, and faithful to his *Maj.* and above all things that they and every one of them intertain peace, friendship and brotherly love with others, laying aside all jealousies, suspicions, and other prejudice; that they communicat their Counsels and helps to the advancement of Religion, and establishing of a good and solid Agreement in the Kirk; which the Brethren here present have promised solemnly for themselves, and likewise to draw others to the same, so farre as they can, that God may have glorie, and his most excellent *Maj.* satisfaction and contentment in all things. This conclusion passing by plurality of Votes, being subscribed, the Moderator gave thanks to God, in the place of their convening, and *Mr William Couper* being requested by the Kings Commissioner and some of the Brethren, went to the Kirk of *Falkland*, where he had an exhortation, and thanksgiving upon the last three verses of the 74. *Psalme*. So after the singing of the 133. *Psalme*, they were dismissed.

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A Parli-
ment.

The Bishops gained this much by this Conference, that no opposition was made to them, at the ensuing Parliament. But what good could be looked for, when *Mr William Scot*, *Mr John Carmichael*, *Mr Archibald Oswald*, *Mr John Knox* feared, that their Associates, nominated at *Linlithgow*, to wit, *Mrs Patrick Galloway*, *John Hall*, *Adam Bannatine*, *William Couper* would prove Prevaricators, in case there had been any conflict.

The Parliament began the 17. day of *June*, at which the Earle *Merschal* was constituted the Kings grand Commissioner. It was the Kings pleasure, that the Bishops should have their own place. So the first day, the Arch-Bishops did ride before the Earles, and the rest of the Bishops before the Lords; but the last day, all the Bishops took place betwixt the Honours and the Earles. It was ordained, that Noblemen and others, who were to direct Pedagogues with their Sonnes to forreign Countreies, must now have a sufficient testimonial from the Bishop of the Diocie, where the said Pedagogue for the most part made his residence lately before. *Item*, that every Arch-Bishop and Bishop shall once every year give up to the Treasurer, Comptroller, Collector, or their Deputes, and to the Director of the Chancellarie, a Roll subscribed with his hand, containing the names of such within his Diocie, as are Excommunicat for Religion; and that the said Treasurer or his Deputes receive no Resignations, nor grant Confirmations or Infeofments, in favour of these Persons contained in the said Roll: and that the Director of the Chancellarie or his Deputes give out no Breeves, nor receive no Retours, direct no Precept upon Retours, or upon Comprisings, in favours of any of the said persons, while they produce to the said Treasurer, Comptroller, Director to the Chancellary, and their Deputes, a sufficient Testimonial subscribed by the Arch-Bishop or Bishop, testifying their Relaxation from the said Excommunication. So that, which should have been granted to the Presbyteries, was referred to Bishops, to advance their credit and power in the Countrey. The Bishops were ordained to call before them, Papists, Jesuits, Seminarie Priests, & their recepters within their bounds respectively, to try if they had contravened the Act of Parliament made against them, and after trial to report to his *Hightness* Advocat and Secret Council, that they may be convened before them, and punished. In the *sixth* Act of this Parliament, it is said, that his *Maj.* with expresse advice, and consent of the Estates in Parliament, hath restored and reintegrated the Arch-Bishops and Bishops to their former Authoritie, Dignitie, Prerogatives, Priviledges and Jurisdictions lawfully pertaining, or which shall be known to pertain to them, alwayes flowing from his *Maj.* as well as any ordinarie Jurisdiction doth; and specially to the Jurisdiction of Commissariats, & Administration of Justice by their Commissioners and Deputies, in all Spiritual and Ecclesiastical Causes, controverted between any persons, dwelling within the bounds and Diocies of their Prelacies and Bishopricks &c. It is declared, that the restitution of the said Jurisdiction be with expresse reservation of his *Hightness* and his Successors their Prerogative and Supremacie, in all Causes Ecclesiastical and Civil. This was a matter they recommended specially to their Commissioner, *Mr Gawin Hammiltoun* Bishop of *Galloway*, when he was sent last to Court, as ye may see in the instructions, set down in the beginning of this year. At this Parliament an Act was made for the Apparel of the Lords of Session, and other inferiour Judges; for Prelats having Vote in Parliament, & Ministers.

It was referred to the King to prescribe an order for the apparel of Kirkmen, agreeable to their state and condition. 1609.

Mr John Spotswood, stiled Bishop of *Glasgow*, made many beleeye before he went to Court last, that he was to bring home *Mr Andrew Melvine* to teach in *Glasgow*, if he pleased: But when he returned, & there was no appearance, he said, the King had changed his minde, and behoved to advise with the Earle of *Dumbar* concerning his libertie. When one asked, why *Mr James Melvine* was not set at libertie, he answered, he was a craftie bideing man, and more to be feared then *Mr Andrew*. When one of the confined made report of such speeches to *Mr James Law* Bishop of *Orkney*, his answer was short and plain, that unlesse conformitie be agreed upon at this diet, which is to be holden at *Stirline* in *August*, ye will all remain in your former distresse. They, having obtained some things at this last Parliament, serving for their farther advancement, became more insolent; and as they grew in greatness, their whole behaviour, actions and speeches were changed, the distresse of good men the lesse regarded, and many of the Ministry fell to them.

The Conference was holden at *Stirline* in *August*, as was appointed at *Falkland*. The Bishops growing daily more powerful, suffered the diet to expire, upon hope to get their Intentions prosecute more easily at an Assembly, dressed and prepared for the purpose: for they saw no appearance of advantage to be gotten by the Conditions agreed upon at *Falkland*. It was in their power to purchase appointment or disappointment of Conferences, as might best serve their own ends. Neither had they any other Intention in Conferences, but to call in question Established Orders, & to try the strength of their adversarie, before matters were agitat in a full Assembly, that they might work accordingly: or else to make their Opposites silent and secure, till they got farther ground. The King himself fearing Disputation by writ, caused desert that diet.

Mr James Melvine delivered his minde, concerning the Conference at *Falkland*, in this Letter following, directed to one of the confined Brethren.

I have received your short, but very significative Letter of your sound and ardent affection, both toward the Cause, and us that are imprisoned for it. My dear and most loving Sonne, ye would be censured, and spurred. But what I should censure, I see not well; and to spurre a running horse I cannot. Yet there is great need of both to us all. But what shall we do, seing God in his righteous judgement, for our former negligence, contempt and ingratitude, hath plucked away from us all heart and hand, occasion and affection, zeal, and knowledge, Spirit, courage and action. So that Authoritie, Money, (for a Counsellor & special Doer in that work told me, that one Bishoprick cost the King a thousand pound sterline, and more then he and I would spend all our dayes beside. The advancement of the whole work, for the space of eight years, may be estimated then to many hundered thousands.) Craft (for greater Craft, Politie, Catastrophization was never used by *Egyptians* against Gods people) and Business of the world carrieth all Sinceritie, Truth & Freedome away; or rather overwhelmeth, oppresseth and beareth the same down to the ground. I saw the craft of the Truce, taken before this last General Assembly, and the Politie of this Conference before the Parliament, only that they might make the Brethren secure and remisse; that they might

The diet at
Stirline de-
serted.

M. I. Mel-
vin's Letter
to a Bro-
ther.

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without impediment win some farther ground and promote and establish their Estate. I cannot be thoroughly informed what was done in the Parliament, but it is said & given out here, that whatsoever the King would have done, is effectuated; and better service was never done. Would to God at least there had been but some such Advertisement & Protestation given in, or sent abroad, as was at the Parliament at *Perth*. And if they will needs bring in question the Cautions, I wish that all done at these Assemblies, and so the Voting in Parliament (that foundation of this rebuilt *Babylon*) to have been shaken. But withers and woulders are evil householders. And so I fear, that the house of God, whereof the Stewartrie was concredited unto us, is given up, and that there shall be a long vacance ere it be taken up again, and during that idle time, more Godliness and good learning forgotten in a week, then was learned in a moneth before. If ye ask yet, Men and Brethren, what shall we do? Would to God we had the Spirit of Compunction first to move us in earnest manner and zealously to ask, then I think, that some thing might be yet answered. As *first* to cry and complain to Christ, filling heaven and earth with lamentations for the captivity and desolation of *Zion*, and for her sake not to hold silence till the Lord have pitie on her. *Secondly*, to publish to all Christians our just grieves, how our Kirk is oppressed by Authority, circumveened by craft, and kepted in thraldome, against Gods Word, her own Constitutions and Customes, and against the Priviledges that the Statutes and Lawes of our Realme granted unto her. *Thirdly*, I would have these *Balaames*, blinder then Asses with Honour & Wealth, that for the wages of unrighteousness have perverted the Lords Prophecie; these *Judas*es sonnes of perdition, who for money have betrayed Christ and his Kingdom; these *Esau*es that have sold their birth right of Christs inheritance for a measure of pottage: And finally these *Shemai*ahs, imprisoners and tormentors of their Brethren, after due admonitions to be painted out in their colours and proceedings. And *lastly*, Alas! If that Spirit of Action, Zeal and Courage, that sometimes did mightily ring in our Kirk, were kindled up again, that might make a few from every Presbytery and Province to convene together in the name of Christ, and censure these corrupters of the Kirk to the uttermost. But what talk I of these matters, seeing in your last Conference, ye have preoccupied all these dealings, and cut away the occasion thereof by approving the Kings proceedings with thankfulness to God for the same, & promising of Peace with Brotherly Contentment and Concord. So all this is but wishes and words, *res non est integra*. The cause is prejudged. A few cannot do it, and a competent number of many is not to be looked for, till the Avanger of the Cause arise, & make his Musters. It is time, O Lord, arise; it is time, O Lord, arise; it is time: for they have made thy word & law irrit and of none avail; they have left *Jacob* in servitude, and *Judah* in captivity; the heavenly scepter of thy Kingdom, the free preaching of thy word, they have wrested out of thy hand, and subjected it to the will and fantasies of men, and they have broken down the hedge and walles of thy Vine-yard; thy holy Discipline. We see no signes of remeed, neither have we any Prophet to tell us how long? And yet my dear Children, & most faithful fellow-sufferers and labourers in this cause of Christ, let us not be discouraged, but hear his comfortable voice, crying, *Let not your hearts be troubled, ye believe in God, believe also in me* &c. Let us ever have the examples of *Jeremie*, *Ezekiel*, *Daniel*, *Azariah* &c. before

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our eyes, and prease to practise their Patience, Pietie, Wisdom, Courage, and other Vertues; standing uprightly and constantly for the Glorie of our God, and comfort of his captived Kirk, till the time it please him to stirre up *Zorobabel*, *Jehoshuah* and *Ezra*, to bring again the captivity, and for purging, and repairing of the Temple and Sanctuarie; & a *Nehemiah* for reforming of the Citie, and building up again, and repairing of the walls of *Jerusalem*; the hope whereof is much increased and strengthened among all the truely Learned and Godly in *Europe*, by voice sounding mightily, as it were from the dead, against that sacrilegious and cursed *Hierarchie*, I mean, Master *Brightmans* Apocalyps, which hath more Clearness and spiritual Force of Demonstration for the truth, then all the hellish Jesuits, & wordly formalists against the same; of whom ye will see my Uncles Judgement, in this last Letter to me, which I have sent you with the bearer.

Mr George Gladstones, Bishop of *St Andrews*, *Mr John Spotswood* Bishop of *Glasgow* & *Mr James Lavo* Bishop of *Orkney*, went to court about the beginning of *October*, where they contrived shreud matters, as the event declared. For in *Februar* after followed the continuing of the Assembly, and intimation of the High Commission by publication, and in *July* after that wofull Assembly, which was holden at *Glasgow*.

In the beginning of *November*, a Letter was sent from Court to the Council and Ministry of *Edinburgh*, declaring that it was his *Maj.* will, that their pulpits be patent to all the Bishops, that were to be in their Town, and were desirous to teach. This point was recommended to *Mr Gavin Hammiltoun*, in the instructions above set down. Many means were used to bring the aspiring Prelats in credit and estimation. But the chief drift in this was to let the world see, that there was a great harmonie betwixt them and the Ministers of *Edinburgh*.

The King directed that the Session should rise the 25. of *December*, & not sit down again till the eight of *Januar*. This was the first Christmas vacance since the Reformation.

Mr John Fairful, Minister at *Dumfermline*, was delated to the King, for praying for the distressed Ministers within, and without the Countrey. At the Kings direction he was called before the Council, and confined in *Dundie*, during the Kings pleasure. Confining of Ministers became now so common, that it was thought a mitigation of a heavier punishment, as our new Prelats made men beleieve: yea they craved thanks for procuring this favour. The tender mercies of the wicked are cruel.

Upon the 20. of *December*, the Kings will was declared, that it was his pleasure, that the extraordinary Lords of the Session, should be discharged: which was thought very strange. But it was clearly seen the next moneth what the matter meant: For *Mr John Spotswood* was placed in *Mr Peter Rollocks* place, who was commonly stiled Bishop of *Dunkeld*; and the rest were restored to their own places. *Spotswood* was the first of the new Prelats that took the place, directly contrair to an Article, given in by his father to the General Assembly *Anno 1572*. That the Preaching of the Word & Ministration of Civil Justice were not compatible in one mans Person. Our new Prelats had made a suit for the Kirkmens place in the Session, according to the first Institution, & that it might take some beginning this year, as ye may see in the Instructions above written. None of the number so bold, and so audacious to begin and break the ice to the rest, as *Spotswood*.

The Bishops plots at Court.

The pulpits of *Edinburgh* made patent for Bishops.

Christmas vacance.

Spotswood an extraordinary Lord of the Session.

About

1610.
The Act of
Parliament
concerning
habits put
in executi-
on.

The Assem-
bly conti-
nued.

The courts
of high
commissi-
on erected.

About the end of *Januar*, the *Scotish Secretary*, *Sir Alexander Hay*, came from court with sundrie Directions, & among the rest one for the habite of the Senators of the Colledge of Justice, Advocats, Clerks & Scribes which was proclaimed in the beginning of *Februar*. Item, for the habite of Provest and Bailiffs of Burghs. Item, for Bishops, and Doctors of Divinitie. Item, that Ministers wear black clothes; and, in the pulpits, black gownes.

Upon the 14. of *Februar*, the General Assembly, which was appointed at *Linlithgow* to be holden at *St Andrews* in *May*, was continued, and no new diet affixed; but reserved to his *May*. farther resolution; or assurance of conformitie in the Kirk, & full persuation that by their meeting some good may be done, and no harme ensue thereupon. The pretended Reason forsooth was the distraction betwixt the Fathers of the Kirk, (so were the Bishops called) and some Ministers. And yet was there an Assembly holden in *June*, the appointment whereof was concealed till the time did approach; and yet no farther assurance of conformitie; or appearance of union between these Fathers and other Ministers, then before.

Not long after, a Commission given under the great seal to the two Archbishops, to hold two courts of *High Commission*, was proclaimed at the crosse of *Edinburgh*. The tenor whereof followeth.

James, by the grace of God King of great *Britane*, *France* and *Ireland*, defender of the faith, to our lovits &c. Messengers, our Sheriffs in that part conjunctly and severally, specially constitute, greeting. For sameeple as complaint being made to us, in the behalf of the Ministry of this our Kingdom, that the frequent Advocations, purchased by such as were either erroneous in Religion, or scandalous in Life, not only discouraged the Ministry from censuring of vice; but emboldened the offenders to continue in their wickedness, using their Advocations as a mean to delay and disappoint both trial and punishment: We, for eschewing of this inconvenient, and that the number of true Professors may be known to increase, the Antichristian enemy and his growth suppressed, and all sorts of vice, and scandalous life punished; and that neither iniquitie, nor delay of trial and punishment, be left by this subterfuge, or discouraging of Ecclesiastical Censures to proceed, in things so meet and proper for them, have out of our dutie to God, and love to his Kirk, being the Nourisher of the same in earth, within our Dominions, given Power and Commission to the Reverend Father in God & our trustie and welbeloved Counsellour *George Archbishop of St Andrews*, *Primat* and *Metropolitan* of our kingdom, and to our right trust Cusine and Counsellor *Alexander Earle of Dumfermline* Lord high Chancellour of this our Kingdom, *George Earle of Dumbar* Treasurer, *George Earle Marchal*, *John Earle of Marr*, *John Earle of Montrose*, *Patrick Earle of Kinghorne*, to the Reverend Fathers in God *Alexander Bishop of Dunkelden*, *Peter Bishop of Aberdeen*, *Alexander Bishop of Murray*, *Andrew Bishop of Brechen*, *David Bishop of Ross*, *George Bishop of Dumblane*, *Alexander Bishop of Cathness*, and *James Bishop of Orkney*: To our trust Cusins and Counsellours *Lord Lindsey*, *Simon Lord Frazer of Lovat*, *David Lord of Scoone*; and to our trustie and welbeloved Counsellours *Mr John Prestoun* of *Pennicook* President of our Colledge of Justice, *Sir Richard Cockburne* of *Clerkingtoun* knight Lord Privie-seal, *Sir Alexander Hay* knight our Secretarie, *Sir James* of

Kingaskon

Kingaskon Comptroller, *Sir Thomas Hammiltoun* of *Binning* Knight
 our Advocat, and to our Lovit *Sir David Carnegie* of *Kinnard* Knight
Dundas of that Ilk, *Alexander Iruing* of *Drumne*
Ramsay of *Balmaine*, *Mr John Arthure*, *Mr Tho-*
mas Henrison, *Mr Adam King* and *Mr James Bannatine* Commis-
 sars of *Edinburgh*, *Mr John Weemes* Commissar of *St Andrews*, *Mr*
James Martine Rector of the Universitie of *St Andrews*, *Mr Robert*
Howie Principal of the new Colledge there, *Mr David Monipennie*
 Dean of Facultie, *Mr Patrick Galloway*, *Mr John Hall*, *Mr Peter*
Hewat, *Mr John Mitchelson*, *Mr Robert Wilkie*, *Mr John Strauchan*,
Mr Andrew Leitch, *Mr Henry Phillip*, *Mr Arthure Futhie*, and *Mr*
Patrick Lindsey Ministers, or to any five of them, the Arch-Bishop being
 alwayes one, within the whole bounds of the Province of *St Andrews*.
 And to the Reverend Father in God, & our trustie and welbeloved Coun-
 seller *John Arch-Bishop* of *Glasgow*, *Alexander Earle* of *Dumferm-*
line, *George Earle* of *Dumbar*, *John Earle* of *Cassils*, *James Earle* of
Glencarne, *John Earle* of *Wigtoun*, *James Earle* of *Abercorne*; and to
 the Reverend Fathers in God *Gavin Bishop* of *Galloway*, *John Bishop* of
Argyle, *Andrew Bishop* of the *Iles*; and to our trustie Cousine and Coun-
 sellour *Walter Lord* of *Blantire*, and to our Lovits *Mr John Arthure*,
Mr Thomas Henrison, *Mr Adam King*, *Mr James Bannatine* Commis-
 sars of *Edinburgh*, *David Forsyth* Commissar of *Glasgow*, *Mr James*
Halyday Commissar of *Dumfreis*, *Mr John Hammiltoun* Commissar of
Hammiltoun, *Mr James Hammiltoun* Commissar of *Lanerk*, *Sir George*
Elphinstoun of *Eastwood* Knight, *Mr Patrick Sharpe* Principal of the
 Colledge of *Glasgow*, *Mr William Birnie* Minister at *Lanerk*, *Mr John*
Hay Parson of *Ranfrew*, *Mr James Hammiltoun* Dean of *Glasgow*, *Mr*
David Sharpe, and *David Walkinshaw* Subdean of *Glasgow*, *Mr Tho-*
mas Ramsay Minister at *Dumfreis*, *Mr John Bell* Minister at *Glasgow*,
 and *Mr Walter Stevvart* Minister at _____ or any five of them,
 the said Arch-Bishop being alwayes one, within the whole bounds of
 the Province of *Glasgow*. To call before them at such times and places, as
 they shall think meet, any person or persons, dwelling or remaining within
 their Provinces respective abovementioned, of *St Andrews* or *Glasgow*,
 or within any Diocies of the samine, being offenders either in Life or Re-
 ligion, whom they held any wayes to be scandalous; and that they take
 trial of the same, and if they finde them guiltie and impenitent, refusing
 to acknowledge their offences, they shall give command to the Preachers
 of that Parish where they dwell, to proceed with the sentence of Excom-
 munication against them, which if it be protracted or delayed, and if
 their command by that Minister be not presently obeyed, they shall
 convene any such Minister before them, and proceed in censuring of
 him for his disobedience, either by Suspension, Deprivation, or Ward-
 ing, according as in their discretion they shall hold his obstinacie, and
 refuse of their direction, to have deserved. And farther, to fine at
 ther discretions, imprison or ward any such persons, who being con-
 victed before them, they shall finde upon trial to have deserved any such
 punishment: & a warrant under the hand of any five abovenamed, of every
 Province respective abovementioned, the said Arch-Bishop of the Province be-
 ing one, shall serve for a sufficient command for the Captains, Constables of
 our Wards & Castles, & to all Keepers of jayles & Prisons, either in Burgh, or

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Land, in any part of the Provinces Respective abovewritten, for receiving and detaining such persons, as shall be unto them directed to be kept by them, in such form as by the said warrant shall be prescribed, as they will answer upon the contraire at their perils: and of all such fines, as shall be imposed upon any offender, the one half to pertain to Our self, and the other half to be employed upon such necessary things, as our said Commissioners shall be forced unto, by charging of Parties and Witnesses to compear before them, and the superplus to be bestowed at the sight of the said Commissioners, by distribution among the poor: Commanding the Lords of our Privie Council, upon sight of any certificat, subscribed by any five of the said Commissioners within every Province, as said is, the said Arch-Bishop of the Province being one, either of any fine imposed by them upon any partie compearing, and found guiltie; or of the contumacie and refusal of any to compear before them, that the said Lords of our Privie Council direct a summar Charge of horning upon ten dayes only; and that no Suspension, nor Relaxation be granted, without first a testificat under the hand of the Arch-Bishop of the Province, containing the Obedience and Satisfaction of the partie charged, be produced. And in case of farther disobedience or rebellion of the partie, who shall be charged for his fine, or not compearance, the said Lords of our Council are then to prosecute the most strict order, as is usual against Rebels for any cause whatsoever; with power to our said Commissioners to proceed herein: as also to take trial of all persons, that have made defection, or otherwise are suspected in Religion; and as they finde any just cause against them, to proceed in manner foresaid. And also whensoever they shall learn or understand of any Minister, Preacher, or Teacher of Schooles, Colledges, or Universities, or of exhorting or lecturing-Readers, within these bounds, whose speeches in publick have been impertinent, and against the established Order of the Kirk, or against any of the Conclusions of the bypast General Assemblies, or in favour of any of those, who are banished, warded, or confined for their contemptuous offences; which being no matter of Doctrine, and so much idle time spent without instruction of their Auditorie in their Salvation, ought so much the more severely to be punished; in regard that they are Ministers, who of all others should spend least idle talk, and specially in the chair of veritie: and therefore after the calling of them before the said Commissioners, they are to be questioned and tried upon the points of that which is laid against them, and punished according to the qualitie of their offence: and whereas complaint shall be made unto them by any partie, that shall be conveyed before any Ecclesiastical Judicatorie, for any such crime as he shall be then suspected of, or that the partie doth alledge alwayes the matter it self to be improper to their Judicatorie, or the proceeding to have been informal, or that the Judicatorie it self hath been too partial; & when the Commissioners shall see any just cause, they are then to take trial and cognition thereof themselves, and to discharge the said Judicatorie of all farder proceeding. Giving power also to the said Commissioners to make choise of a Clerk, & other members of Court; & to direct Precepts in name of the said Arch-Bishop and his Associars within every Province, for citation of any parties before them, within the bounds of the said Provinces, in any of the said causes abovementioned; which Precepts to be sealed with a special Seal, containing the Armes of the said Bishoprick. Giving also power to charge witnesses to compear before them,

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under the pain of fourtie pounds scottish money ; and upon the certificat of the said Commissioners, that any of the said penalties are incurred by them, the said Lords of our Council are to direct the like Charges for payment of the same, as is appointed for the fines, as in the said Commission past our great Seal, containing diverse other Heeds, Clauses, Articles and Conditions, and bearing date at our court at *Roystoun* the 20. day of *Januar* last, at length is contained; whereof necessare it is that publication be made to all our lieges, that none pretend ignorance thereof. OUR WILL IS herefore, and we charge you straitly, & command, that incontinent these our Letters seen, ye passe to the said Burrowes, within the Provinces abovewritten, & there by open Proclamation that ye make publication of the premisses, that none pretend ignorance. And also that ye, in our Name & Authoritie, Command & Charge all our Lieges and Subjects to reverence and obey our said Commissioners, in all and every thing tending to the execution of this our Commission, & to do nothing to their hinder or prejudice, as they and each one of them will answer to Us and our Council, upon their Obedience at their highest charge and peril. The which to do &c. Given under our signet at *Edinburgh*, the fifteen of *Februar*, and of our Reigne the 47. year 1610.

Per Actum Secreti Concilij.

This Commission put the King in possession of that, which he had long time hunted for; to wit, of Absolute Power to use the bodies and goods of his Subjects at pleasure, without form or processe of the Common law. So our Bishops were fit Instruments to overthrow the Liberties, both of Kirk, and Countrey. The pretence of this Commission is the Advocations to the Council, purchased by such as were erroneous in Religion, or scandalous in life, which was indeed a matter complained upon in General Assemblies; and promise was made by the King, that they should be stayed. The true intent is to give the Bishops a transcendent and exorbitant Power, that the terrour of it might make way for the ordinar Jurisdiction Episcopal, at which they were aiming. So the pretended remedie was worse then the disease: For there needed no farther redresse of such abuse, but for the Council and Session not to acknowledge such Advocations, that the proceedings of the Lawful and Ordinarie Judicatories of the Kirk, established by Law, might have free course. In the Assembly holden at *Montrose* Anno 1600. It was heavily lamented to the King, that while as sundrie of the Ministry were occupied in their lawful Calling in pursueing Malefactors, Adulterers, Murderers, and other slanderous Persons, and urged them to purge themselves of the slanders committed by them, they were drawn from their Calling, and charged by Letters, obtained privily upon false narratives made by the said slanderous Persons, to compear before the Secret Council, whereby the punishment of vice was much neglected, & contemned. The King promised, that in time coming no Letters should be directed from the Secret Council, at the instance of any Person, against any Minister in particular, or any Presbytery in general, for whatsoever thing he or they shall do in the execution of his or their Offices, before the Person required produce a testimonial, under the form of instrument *de denegata justitia* of the Minister, or Presbytery,

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judges ordinar. In the Assembly, holden last at *Linlithgow*, it is numbred among the causes of the growth of *Papistr*, that where *Presbyteries* are proceeding in the trial of *Masse-sayers* and *Masse-hearers*, impediment is made by the Lords of his *Maj.* Secret Councel, either by Advocation before the Lords, or Dispensation to such as are *Excommunicat*, or by Contramanding the *Presbytery* to desist, under the pains of *horning*; and that *Excommunication* being produced against any Person before the Judges, the same is not regarded, but processe is granted unto him, as if he were a member of the *Kirk*, and not *Excommunicat*. Among the *Overtures* for remedie it is required; that no favour be granted to *Papists* and *Traffickers*, by any officer of Estate, without his *Maj.* privitie, under the pain of incurring his *Maj.* high displeasure. As also that the Councel make no impediment by their Letters of *horning* against the Persons foresaid. And the Kings answer was reported to the Convention, holden upon the 24. of *Januar* 1609. That what was concluded at that Assembly, concerning *Papists* or *Papistr*, his *Maj.* hath granted absolutly. In the 13. Parliament holden by King *James* the sixth *Anno* 1593. There is an Act against the contemners of the Sentences and Decrees of General or Synodal Assemblies, *Presbyteries* or particular Sessions of every *Kirk* and Parish. But here we see the Bishops have power not only to Advocate causes upon complaint of parties, but also to call before them any, whom they hold any wayes to be scandalous either in life, or Religion, & to command Ministers to *Excommunicat* them, under the pain of Suspension, Deprivation or Warding; & to call before them Ministers or Professors in Schooles, Colledges, or Universities, whom they should understand to have uttered in publick any thing against the Conclusions of the by-past General Assemblies, or in favours of any of those who are banished, warded or confined, and to punish them according to the qualitie of their offence.

Here without consent either of *Kirk* or Parliament, these Courts of High Commission are erected, only by the Kings own Authoritie, and Assistance of the Councel. So in effect it is not so much the Court or courts of *High Commission*, that bear down the *Kirk*, as the Councel, or chief ring-leaders of the Councel. And if the Lords of Councel would not by their charges force Obedience to their Decrees, the Bishops would be little regarded for all the Court of High Commission.

Here ye see, that one Archbishop with any four named in the Commission, whom it shall please him to associat to himself, may cite at the first instance any offender to compear before them, may Advocate causes from the Ordinarie judicatories of the *Kirk*, upon complaint given in by any Person scandalous in Life, or erroneous in Religion, conveyed before the Ordinarie judicatories of the *Kirk*. Is not this to weaken and destroy, rather then to strengthen and aid, these judicatories? One Archbishop with four Commissars, or other four contained in the roll, not bearing any Ecclesiastical function, may judge upon any scandalous in Doctrine, or erroneous in Religion; may compel a Minister to *Excommunicat* any Person, whom they think worthy; and may Suspend, Deprive, or Ward him, in case he refuse. Is it not a great absurditie, that a simple Minister with four Commissars, or any other four not bearing Ecclesiastical function, shall have such power? for *Gladstones* and *Spotswood* were but simple Ministers, and only stiled *Archbishops* vulgarly, by Reason of their Bishoprick, or great Benefice. Will not any man think

every absurd, that the King may give Power to the Minister of *Calder*, (where *Mr Spotswood* was Minister) & four Commissars, or other four Subjects, not bearing Ecclesiastical function, to call offenders, scandalous in Life or Doctrine, before them, to imprison or fine them; to Suspend, Deprive, or Ward Ministers, in case they will not Excommunicat, when they command &c? Here the Bishops and other Ministers, whom they shall associat to themselves, have both Temporal and Spiritual Power, and are armed with double vengeance, that they may the more easily attain to their Episcopal jurisdiction; and by the same double power, they maintained all their usurpations.

After that the Bishops became Lords in Parliament, Councel, Exchequer, Session, Lords of temporal Lands and Regalities, Patrons of benefices, Moderators of Presbyteries, Commissioners of the General Assembly, Commissioners in the Kings court of *High Commission*, and consequently great and terrible to the Ministry; and other Professors, it was thought fit, & a ripe time to convocat a General Assembly, in the beginning of *June*, when the Ministry did not expect any such thing, by reason that the Assembly, appointed to be holden in *May*, was prorogued by Proclamation in *Februar*. Yet notwithstanding of their grandour, and that their chief opposits were either Banished, Warded, or Confined within or without the Countrey, and removed out of their way, they dare not venture upon a free election of the remanent of the Ministry; but procured Missives from the King to the Presbyteries, to make choise of such Persons, as he had given to him in note by the Bishops. The Kings Missive was seconded with the Bishops Letter.

The Kings Missive

James Rex

Trustie and well beloved, we greet you well. Albeit we justly fearing the disorders, that might arise in the General Assembly, appointed to be held at *St Andrews*, the day of *May* next, by reason of the differences now in the Church for matters of Discipline, did by our Letters, published in *Februar* last, desert the said meeting; and specially declared, that it was not our minde to appoint any new Assembly, before we were well assured of the peaceable inclination of these of the Ministry, who should meet and convene thereat. Yet being lately advertised of great confusion, arising in the Church, by reason of the loose and unsettled Government, which is therein, and being intreated by sundrie of our good Subjects, Bishops, Ministers and others, for licence to some General Meeting of the Church, wherein hope is given us, that some good course by common consent shall be taken of all misorders, and division of mindes, that hath so long continued among the Ministry, to the great scandal of their Profession, should cease, & be extinguished, We have been pleased to yeeld to their requests, and granted libertie for a General Assembly to be holden at *Glasgow*, the eight day of *June* next. And therefore we will, and require you to make choise of the most wise, discreet and peaceably disposed Ministers among you, to meet and convene the said day and place, instructed with sufficient Commission from the rest, as in other Assemblies you have been accustomed, and to advise anent the Excommunicat *Earles*, what order shall be taken with them, for their satisfaction of the Church; anent the late erections, to communicat to our Com-

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An Assembly intended.

The Assembly indicted.

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missioners the Estate of every Church within any of the same, the maintenance allowed thereto; an overture for supplying the Churches, which are not sufficiently provided. And what is the best course to be taken for the ready payment of the Ministers, so as they be not distracted from their Charge, and forced to attend the Law, by discussing of Suspensions, and such like questions arising thereupon. In which point we have had many grievous complaints from diverse of the Ministers, and understand our good purpose, touching them and their maintenance, to be wonderfully crossed; and that they be readie to give their best opinion in all the former points, and in every thing else that shall be demanded of them for the good peace of the Church. And because by our Letters we have particularly acquainted the Archbishop of *Saint Andrews* with our purpose herein, and sent unto him a special note of the names of such, as we desire to be at our said meeting. It is our pleasure, that ye conform your selves thereto, and make choise of the Persons, that we take to be fittest for giving advice in all matters: Wherein ye shall do us acceptable service. We bid you farewell; from Court at *Whithal*, the first of *April*.

Mr George Gladstones's Letter to the Presbyterie of Chirnside.

Grace be multiplied unto you

Beloved Brethren, after my heartie Commendations in the Lord, I have received a Letter from the Kings *Maj.* anent the direction of Commissioners to the approaching General Assembly. And to the effect ye may understand my Commission to you for that effect, and the Kings *Maj.* pleasure, I thought good, as having credit of his *Maj.* in these matters, to show your Moderator the authentick Letter, that hath proceeded from his *Maj.* hand, and to send to you the note of the Persons, whom his *Maj.* thought fittest for that work. This I beseech you, since our Presbyteries in *Fife*, and, as I hear, the Presbyterie of *Edinburgh*, have agreed to the Kings desire, that ye will not fail to send a free, unlimited Commission with these Brethren, who have also received their several Missives from the Kings *Maj.* that ye seem not to be singular, and refractarie to reasonable petitions. I hope that this my counsel shall be well accepted of you. And since sudden and wilfull Conclusions have wrought such bitter effects, I hope, ye will not provoke the Kings *Maj.* to wrath, without any necessary occasion. Thus I beseech God to bless you all with the Spirit of Truth and Love to the end. *Edinburgh* the 28. of *May* 1610.

Your loving and assured Brother S. Andrews.

Ye see here how timouly this Presbytery is warned, even the Presbyterie day before the Assembly. In *Februar* the King declared by Proclamation, that it was not his minde to appoint any new Assembly, before he were assured of the peaceable inclination of these Ministers, who were to meet. What greater assurance could he have upon the first of *April*, the date of the Missive abovewritten, that some good course should be taken for redresse of all misorders, and that the division of mindes among the Ministers should cease, and be extinguished? Who were these Bishops and Ministers that gave him such hope? Whence came the late advertisement of great Confusion arising in the Kirk, by reason of the loose and unsettled Government, which was therein, and was not known when

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the Assembly was continued by Proclamation in *Februar*? Or who did loose and unsettle it? It is strange that the Assembly, which should have been holden at *St Andrews* in *May*, should have been discharged without appointing another diet, and upon a sudden it should be appointed to be holden in the beginning of *June*. Rumors were spread by the Bishops, that we should never have a General Assemblie againe. With such tricks were the Ministers surpris'd, and the Assembly appointed without their expectation. Whereas the General Assembly ought to consist not only of Ministers, but also of Barones, and Commissioners from Burghes freely chosen; and a general Intimation should be made for that effect, that all that have interests, Appellants, Supplicants and Complainers may be lawfully forwarned: This Assembly was intimat only by Missives to such Ministers and Barones, as it pleased the King, with advice of the Bishops, to call to that meeting. Ye see the election of Commissioners is not left free; but such Persons, as the Bishops had made choise of, are recommended to the Presbyteries, to be sent out with commission to the Assembly: For the King himself was not acquaint with the names and disposition of every particular Person recommended, or in what Presbytery they had their residence. What good then could be expected of such an Assembly, where the Members are chosen by the Bishops, who were aspiring to the Episcopal jurisdiction? The King intimateth, that it is his pleasure, that the Presbyteries conform themselves to the note of the names, which he had sent to the Bishop, & that they shall do him acceptable service in so doing. Is not this to procure, and sollicite for Commissioners, yea in effect to command: *Nam qui rogat, potentior, imperat rogando*. The Kings Missive beareth, that the Bishop was acquaint with his purpose; & the Bishop himself professeth, that he hath credit in these matters, & intimateth, that if they choose any other, they will provoke his *Maj.* to wrath. Letters were sent likewise to the particular Persons nominat, so that there was no hope, that any other Ministers would have place there; neither was it convenient, that they should mix with them.

The Earle of *Dumbar* was sent down Commissioner for the King, and with him three English Doctors, Doctor *Hamptoun*, Doctor *Mirriton* and Doctor *Hutson*. Before the Assembly convened, he had three dayes serious conference with the Bishops, contriving how to order matters at the Assemblie.

Upon friday the 8. of *June*, the first day of the Assembly, a Fast was kept: But like the fast, which was indicted when *Naboths* vineyard was taken from him. *Mr John Spotswood*, stiled Bishop of *Glasgow*, taught in the morning upon these words of *Jeremie*, *I would have cured Babel* &c. He aggraiged the sinne of Sacriledge, and taxed laick Patrons. In end he said, Religion must not be maintained, after the manner it was brought in, in this land. It was brought in by Confusion: But it must be maintained by Order. It was brought in against Authority; it must be maintained by Authoritie. *Mr James Law*, Bishop of *Orknay*, taught at ten houres upon *Rom.* 14: 19. He took upon him to prove the lawfulness of Episcopal Government. He insisted most upon Antiquitie, Universalitie, and Perpetuity: but he passed by *jus divinum*, *jus facti*, and how far the power of his Bishops should be extended; howbeit in the beginning he promised to treat that heed. So his Doctrine vvas bended against the received Doctrine, and Order of our Kirk, and before the matter was agitat at this Assembly. *Mr John Spotswood* was chosen Moderator,

The Assembly at Glasgow.

all

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all voting for him except five, who voted for *Mr Patrick Sharpe*, no good friend to Discipline; yet not so bad as the other: Which did prognosticate no good to be concluded. Afternoon the little Chaplain Doctor *Hutson* taught upon *Acts. 2.* For proof of the Superioritie of Bishops, he alledged Christ's teaching his Apostles, some at his head, some at his bosome, some at his feet.

Upon Saturday, *Dumbar* presented to the Conference the Kings Letter, and caused it to be read twice. Then the President of the Session had his harangue. After he had ended, they advised upon points, which were to be treated in the Assembly, to wit, upon order to be taken with Excommunicat Papists, provision of Ministers serving at the Kirks of the late erections, and upon the means of peace and concord. When these upon the Conference came in to the Assembly, *Mr Peter Primrose* with other Ministers of the west, were minded to Protest for the Liberties of the Kirk. He began no sooner to break off, but as soon the Moderator, smelling his intention, interrupted him, & referred him to the Privie Conference: Because they must go to dinner. He and his Associates were so wrought upon, partly by threatening, and partly by flatterie and fair words, that there was no more dinne of a Protestation.

The Conclusions, agreed upon in the Privie Conference, were not proponed severally in publick Assembly, or discussed; so easily did the King and his Bishops attain to their intent. To induce the Ministers to condemne the Assembly holden at *Aberdeen*, *Mr Spotswood* used this reason. The Brethren banished have promised to confesse a fault, if their fact shall be condemned by a General Assembly. So that if we declare the Assembly, holden at *Aberdeen*, to be null, they will obtain libertie to return to their own Congregations. The name of Presbytery, in the Conclusion, was rejected, as a word, which his *Maj.* could not bear with patience: And therefore in stead of the word *Presbyterie*, according to the meaning of that Assembly, vvas used this paraphrasis, *The Ministers of the bounds*. But the Bishops after did interpret these vwords to be meant of Ministers vvithin the bounds, vvhere such actions, as are specified, are to be performed, vvwhether they be of one Presbytery, or of diverse, fevv or moe, as it pleaseth them to assume, the bounds having no bounds set to them, & the number not being defined. And according to this meaning they did practise, vvhen they thought good: As afterward *Spotswood*, after he had given orders to *Mr Robert Menteith* at *St Andrews*, sent a vvarrant to *Mr John Maxwell* to admit him to the Kirk of *Dundistoun*, assuming to himself other tvo or three: vvwhich he did vvithout acquainting the Presbyterie. When mention is made in the Conclusions, of the Exercise of Prophefying, then in stead of the vword *Presbyterie* is used another phrasis, to vvit *The Brethren of the Exercise*; and here the Bishops, as appeareth, meant no other thing but the Presbyterie: because that Article concerneth not the Discipline. The vword *Presbyterie*, vvich is used by the Holy Ghost, and vvas so odious to the King at this time, vvas heard vvith patience aftervvard, in the Assembly of *Aberdeen*. But such tricks served their turne for the present. *Dumbar* professed plainly, he vvould have no man there to give any countenance of disliking. Some of the Voters had no Commission from their Presbyteries; some had limited Commissions; some had Commissions to protest against whatsoever thing should be concluded, prejudicial to the Acts of former Assemblies: As the Commissioners of *Hadintoun*, howbeit they

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discharged not their dutie faithfully conform to their Commission. A number of Ministers, brought from *Cathness, Orkney* and *Sutherland*, by the Bishop of *Orkney* *Mr James Law* his procurement, had never seen the face of a General Assembly before. Only five of the whole number voted against the Conclusions.

Notwithstanding the Bishops and the Earle of *Dumbar* had obtained their intent, in the *Third Session*, *Dumbar* produced, in the *fourth Session*, the King's warrant to discharge Presbyteries; whereby ye may perceive what is meant in the Conclusions by that phrase, *The Ministers of the bounds*, according to *Dumbar* and the Bishops interpretation. Then was there an out-cry and noise in the Assembly among the Ministers, who notwithstanding had almost spoiled the Presbyteries of all Power and Authority with their own consents. They feared, where they needed not: For the convening of the Presbyteries is Authorized, and Ratified by Law. Neither could Presbyteries be altogether abolished, till Bishops Courts were substitute in their roomes; which for the present could not be brought to passe. The Noblemen and Ministers requested him to supersede the Proclamation of the discharge, till his *Maj.* were certified of the proceedings of this Assembly, not doubting but his *Maj.* would be satisfied therewith. *Dumbar* promiseth upon his honour to procure, so far as in him lay, to get that discharge recalled, providing they would subscribe the Conclusions which had past, or the Supplication, which was to be sent up to the King for that effect. By this means he got the hands as well as the voices of many foresworn *Balaamites*.

Upon the Lords day, Doctor *Hampton* preached before-noon, and taxed the Government of Synods and Presbyteries. Doctor *Mirriton* after-noon defended the calling of Bishops. Upon munday, the Moderator, after he had praised God for the happie successe he had found in the first point, proponed other two, which were slightly past over: For the first was the main point aimed at, howsoever the other two were pretended. Taking order with Papists, and settling the provision of Ministers, were the usual pretences of the Bishops, when they were to compass their chief designe. So this meeting was dissolved after the singing the 133. *Psalme*, and no new Assembly was appointed.

Money was given largely to such as served the King and the Bishops turn, under pretence of bearing their charges. *Mr James Law*, Bishop of *Orkney*, was careful to see his North-land Ministers well satisfied. When *Mr John Balfour* a Minister in the South came to him, and complained he had gotten nothing: He answered, he had done no service to his *Maj.* for he voted *non liquet*. *John Lauder*, Minister at *Cockburnspath*, coming too late, when there was no more resting to be dealt, was content to take ten pounds fourtie pennies lesse. The constant Moderators, so many as were present, got every one their hundreth pounds scots, which was promised at the Convention holden Anno 1606. at *Linlithgow*. To some was promised augmentation of their stipends, namely to *Mr Michael Cranstoun* Minister at *Crammond*. *Mr John Hall* got a pension from the King. Noblemen, Barones, Bishops, & others, who had no Commission either from Presbytery or Synod, were present to make all sure by pluralitie of Votes, if there had been need. The names of all those who concurred, at this meeting, to the damnable Conclusions following, I have here subjoined, together with the proceedings of this Assembly, as

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they are extant in the Register, and set down as it pleased the Bishops themselves.

The General Assemblie of the Kirk of Scotland, holden in Glasgow the 8. of June, the year of God 1610. years, in presence of the Kings Majesties Commissioners, videlicet.

The Earle of Dumbar.

The Archbishop of St Andrews.

My Lord President.

My Lord Secretarie.

Of the Nobility.

| | | | | |
|---------|---|------------|---|-----------------|
| Earles. | { | Montrose. | { | Lindsey. |
| | | Glencarne. | | Scoone. |
| | | Cathness. | | Blantyre. |
| | | Wigtoun. | | Kintail. (tine. |
| | | Kingborne. | | Mr of Tillibā- |
| | | Abercorne. | | Comptroller. |
| Lords. | { | Lothian. | { | Kilfyth. |
| | | | | |

Of the Ministry.

Orknay.

Bishop of Orknay.

Robert Stewart.

Mr Patrick Waterstoun.

William Hair.

Mr Andrew Dishingtoun.

Cathness.

Bishop of Cathness.

Mr William Pope.

Thomas Paipe.

James Gray.

Mr Andrew Ogsbwie.

Rofs.

Mrs George Monro.

Robert Rock.

Murray.

Bishop of Murray.

Mrs James Dundas.

Thomas Dundas.

Patrick Dundas.

William Clogie.

Alexander Raufon.

William Reid.

Aberdeen.

Bishop of Aberdeen.

Mrs David Rait.

Archbald Bleckburne.

Robert Burnet.

John Logie.

John Reid.

John Garein.

Robert Merfer.

Abraham Sibbald.

George Hay.

James Hay.

Robert Maitland.

John Strauchan.

Robert Rofs.

Robert Reid.

Alexander Guthrie.

Mernes.

Mrs Andrew Ramsay.

James Rait.

Adam Walker.

Brechen.

Bishop of Brechen.

Mrs Dugal Campbel.

Andrew Leitch.

Richard Merchestoun.

James Eliot.

Arbroth.

Mrs Arthur Futhie.

Patrick Lindsey.

Andrew Drummond.

Henrie Phillip.

John Guthrie.

Dundie.

Mrs David Kineir.

Robert Rynd.

Meegle.

Mrs Henrie Guthrie.

Alexander Kinninmouth.

David Brown.

Perth.

Mrs William Couper.

Archibald Moncreife.

Dunkelden.

Bishop of Dunkelden.

Mrs Silvester Ratray.

James Menzeis.

Alexander Jreland.

Auchterarder.

Mr James Burdoun.

Stirline.

Bishop of Dumblane.

Mr William Stirline.

Mr William Narne.
 St Andrews.
Archbishop of St Andrews.
Mrs David Monipennie.
William Murray.
Simeon Durie.
 Univerſitie.
Mr Robert Howie.
 Couper.
Mrs James Martine.
Robert Buchanan.
John Caldcleugh.
Thomas Douglas.
 Kirkaldie.
Mrs John Mitchelſon.
William Murray.
Alan Lawmonth.
 Dumfermline.
Mrs James Stewart.
Andrew Forreſter.
William Paton.
 Edinburgh.
Mrs John Hall.
Peter Hewat.
Michael Cranſtoun.
 Linlithgow.
Mrs Robert Cornwal.
Alexander Keith.
Robert Gilmour.
Thomas Peebles.
 Dalkeith.
Mr Patrick Tournour.
 Hadintoun.
Mr James Carmichel.
 Dumbar.
Mr Edward Hepburne.
John Lauder.
Mr Thomas Hepburne.
 Peebles.
Mr James Logan.
Robert Levingſtoun.
 Chernſide.
John Clappertoun.
 Dunſe.
 Kelſo.
Mrs James Knox.
Thomas Storie.
John Balfour.
 Glaſgow.
Archbiſhop of Glaſgow.
Mrs Patrick Sharpe.
John Bell of Glaſgow.

Andrew Boyd.
 Paisley.
Mrs John Hay.
Archibald Hammiltoun.
William Birſtoam.
George Maxwel.
 Dumbartoun.
Mr VValter Steuwart.
 Hammiltoun.
Mrs Thomas Muirheid.
James Hammiltoun.
David Sharpe.
John Horviſon.
 Lanerk.
Mr VWilliam Birnie.
John Linſey.
Mr Robert wilkie.
 Air
Mrs Peter Prymroſe.
John Makcorne.
VWilliam VWallace.
 Irwing.
Mrs Alexander Scringeour.
Michael VWallace.
 Dumfreis.
Mrs Thomas Ramſey.
Robert Hunter.
Robert Henriſon.
Simeon Johnſtoun.
 Kirkcudbright.
Biſhop of Galloway.
Mrs John Aikman.
VWilliam Hammiltoun.
Robert Glendinning.
James Donaldſon.
 Wigtoun.
Mrs James Adamſon.
John VVaſon.
George Kinnard.
 Argile.
Biſhop of Argyle.
Mrs John Cameron.
Donald Makilrorie.
Neil Campbell.
John Makcallum.
Nicol Makcalman.
 Illes.
Biſhop of the Iſles.
Mr Patrick Stewart.
Robert Stewart.
 Of Barones.
 Drumlanrig.

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Glenurquhie younger.
Wauchtown.
Bombie.
Northberwick.
Calderwood.
Balnamoone.
Minto.
Balmaine.
Gairntullie.
Duntreith.
Mr Samuel Cockburne.
Sir George Elphinstoun
of Blythswood.
Of Burrowes.

Edinburgh.
Mungo Makcal.
Edvvart Ker.
 Perth.
Gavvin Dalziel.
 Dundie.
Mr William Ferguson.
 Aberdeen.
Alexander Rutherford.
 St Andrews.
John Knox.
 Glasgow.
James Forfess.

Acta Sessione prima Octavo Junij 1610.

Exhortation being made by *James Bishop of Orkney*, Moderator of the last Assembly, the Commissioners, after their accustomed manner, proceeded to the election of the Moderator of this present Assembly. The leets being nominat, *John Archbishop of Glasgou*, *Mr Patrick Sharpe*, *Mr Patrick Lindsey* and *Mr John Mitchelson*: By plurality of Votes *John Archbishop of Glasgou* was chosen Moderator *hac vice*.

Thereafter, according to the accustomed order, Assessors were chosen out of the bodie of the Assemblie, to conveen with the Moderator in the Privie Conference, for treating of such things as are to be concluded in the Assembly; they are to say, the Kings Maj. Commissioners, with the Bishop of Orkney, the Bishop of Cathness *Mr William Paip*, *Mr George Monro*, the Bishop of Murray, *Mr James Dundas*, *Mr Alexander Raufon*, the Bishop of Aberdeen, *Mr John Strauchan*, *Mr George Hay*, the Bishop of Brechen, *Mr Patrick Lindsey*, *Mr Andrew Letch*, *Mr Arthur Futhie*, *Mr James Martine*, *Mr David Monipennie*, *Mr Robert Howvie*, *Mr John Mitchelson*, *Mr William Murray Parson of Dyfert*, the Bishop of Dunkelden *Mr Archibald Moncreife*, *Mr William Couper*, *Mr Alexander Ireland*, the Bishop of Dumblane, *Mr Peter Hevvat*, *Mr John Hall*, *Mr Michael Cranstoun*, *Mr Edvvard Hepburne*, *Mr Robert Cornvval*, *Mr James Carmichael*, *John Clappertoun*, *Mr James Knox*, *Mr Thomas Storie*, *Mr William Birnie*, *Mr Thomas Muirheed*, *Mr Patrick Sharpe*, *Mr Andrew Boyd*, *Mr John Hay*, *Mr Alexander Scringeour*, *Mr Michael Wallace*, the Bishop of Galloway, *Mr James Adamson*, *Mr Thomas Ramsey*, the Bishop of Argile, the Bishop of the Iles and *Mr Neil Campbel*.

The hours appointed for meeting of the Privie Conference, are seven hours in the morning, and two hours afternoon; and for the Assembly, nine hours in the morning, and three hours afternoon.

Commissioners appointed for reading & answering of the billes, are *Mr Henrie Phillip*, *Mr John Reid*, *Mr Robert Buchanan*, *Mr Thomas Hepburne*, *Mr Walter Stevvart*, *Mr Robert Henrisone*, *Mr Silvester Ratray*.

Acta Sessione secunda eodem die.

The which day the Earle of Dumbar, one of his Maj. Commissioners,

after

after he had made open declaration of his Maj. good minde & zealous intention rowards the establishing of a good, solid & perfect Order, in the Discipline of the Kirk in this Realme; in the which there were fundrie points, which his Maj. would have reformed, the reformation whereof doth most properly appertain to his *Hightness*, in respect of his Royal Authoritie, & Duty, wherein his Maj. is bound to God Almighty, to provide that the Estate of the Kirk, within his Dominions, should be settled as well in Discipline, as in Doctrine, according to the Word of God, to the effect that, the same being once solidly settled, the true Word of God may be purely and sincerely preached to his *Hightness* Subjects; and the Discipline of the Kirk, once wisely and discreetly settled, may be inviolably observed in all times coming. Thereafter he produced his Maj. Letter directed to this present Assembly, whereof the tenor followeth.

Followeth the tenor of his Maj. Letter, direct to the right Reverend Fathers in God, our trustie and welbeloved Cousins, & Counsellours, & others our trustie and welbeloved, the Prelats, Noblemen, and others our loving Subjects, as well Ministrie, as Laity, presently met & convened in this Assembly.

Sic inscribitur

JAMES REX.

Right Reverend Fathers in God, Right trustie & welbeloved Cousins, Counsellours, and others our trustie and loving Subjects, now convened in this present Assembly, we greet you well. If the most sharp censure were taken of every one his particular affection to the Religion professed, we might very justly boast, without ostentation, of our ever continued constancie, praised be God; notwithstanding of both the allurements, as also the threatnings of the Adversarie, and of the misbehaviour, yea the pride, and often treasonable contempts of some of our Subjects of the same profession; so that none, unto whom either our by past life hath been known, or to whom our present actions are notour, but they without doubt will rest fully perswaded hereof; since we have now openly declared ourselves to be the Principal Opposits on earth to the Antichristian enemie, against whom to our last breath, without respect of hazard, we do intend to maintain and defend the Truth professed. And as it hath pleased God in his mercie to appoint us, to be the Nourish Father of his Church here on earth, within our Dominions: So do we intend ever to be most careful for setting forward all such things, which may advance his Glorie, and breed quietness and peace in the Church, unto which nothing hath been so great an enemie, as the want of Order and Government, without which no Bodie or Estate, either Ecclesiasticall or Civil, can subsist. And howsoever the singularity of some did, for a certain space, maintain, either by wilfulness or ignorance, a sort of headless Government: yet ere long it did kyth what inconvenience and harm might ensue to the Church, and advancement of the Gospel, by any longer continuance thereof. Which moved us, during our stay there in our own Person, to take so great pains for finding remedie to this, which otherways had tried so incurable a canker, being permitted to have had any farther progresse. And therefore at that time wishing to do things rather by consent, than absolutly out of our Royal Power & Authoritie (which also is very lawful, and granted to us by God himself) we thereupon no,

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only assisted, and countenanced sundrie Assemblies of that Church by our own presence; but have caused others be convened since our departure from thence, having to our great cost and charges procured also maintenance, sufficient in some reasonable sort, for the Fathers of the Church, and have directed order to be taken for the plantation of Churches void. As likewise, in so far as the Ecclesiastick Jurisdiction by secular Persons was incroched upon, we have put also remedie thereto. So as we did fully hope, that before this time, the Church thereupon, apprehending and perceiving errors past, in suffering that Anarchie amongst them to keep so long continuance, should have resolved and concluded, and therewith have become suiters and solicitors unto us, for Establishing of that Government and Rule, which is most fit and allowed of, in former times in the Primitive Church. So that things should not be left still in uncertainty, by reason of the division and distraction of mindes among your selves, by which to your own knowledge, both the Common Enemy hath increased, and sinne and wickedness remain unpunished. But whether the default be in the Fathers of the Church, their unwillingness, or unworthiness, to do and perform what in durie belongeth unto them; or in the factious singularity of others of the meaner rank (who do perhaps presume of their greater credit by keeping things in confusion:) and we not being fully acquainted with the true cause, and yet in our durie to our God, as being his Lieutenant here, holding our selves justly bound not to suffer this sort of lingering, in a matter of such moment, have thereupon thought expedient to call this present Assembly, not so much for necessitie as that any thing is to be moved, whereunto your consent is much requisite; but that our true affection to Gods Glory, and advancement thereof, and to the peace and well of the Church, being declared and manifested, you may try the more inexcusable, for not urging that good to the Church, which we do intend for it without your consents, if we finde a slow concurrence upon your part; and yet hoping, that your forwardness will remove all opinion, which may be conceived, either of unwillingness, or oppositions to our so godly Intentions: And having referred the particular imparting of our farther pleasure and minde herein, to our right trustie and right welbeloved Cousine & Counsellour, the Earle of *Dumbar*, and the right reverend Father our right trustie Counsellour the Archbishop of *St Andrews*, (both of whom we have directed as our Commissioners to this present Assembly, and whom we will you credit and trust) and intending upon their reports to take special notice of every ones affection, and forwardness in this service, and thereupon to acknowledge and remember them hereafter, as any fit occasion for their good shall occur. We commit you and your actions, with the good success of the business, to Gods good guiding; and bid all of you right heartily farewell. From our court at *Thetfurde*, the eight of *May* 1610.

After the reading of which his *Maj.* Letter, the Assembly thought it most expedient, that the Brethren, appointed to be on the Privie Conference, should convene the next day in the morning, & privately among themselves after reasoning advise upon such heeds of the Discipline of the Kirk, as they should think to have need to be reformed, for giving his *Maj.* satisfaction in that point.

Acta Sessione tertiâ, nono Junij post meridiem.

The which day, the whole Assembly being convened, the Brethren, appointed for the Privie Conference, by the mouth of the Moderator declared, that after long deliberation they had agreed upon certain heeds concerning the special points of Discipline, within the Church of this Realme, for satisfaction of his Maj. will, contained in his *Highness* Letter, which was thought expedient to be read openly to the whole Assembly, whereof the tenor followeth.

Followv the Heeds & Articles, concerning the Discipline of the Kirk, to be observed in all time coming.

In the first it is declared, that the alledged Assemblie, holden at *Aberdeen*, is null in it self, specially in respect it had not his Maj. allowance, and was discharged by his *Highness* Commissioner. And because the necessitie of the Kirk craveth, that for order-taking with the Common Enemie, and other affairs of the Kirk, there be yearly General Assemblies, the indiction whereof the Assembly acknowledgeth to appertain to his Maj. by the prerogative of his Royal Crown, the General Assembly was to request his Maj. that General Assemblies may be holden once in the year; or at least, in respect of the necessitie foresaid, that his Maj. would appoint a certain time, at the which the same shall be holden precisely in all time coming.

Item, it is thought expedient, that the Bishops shall be Moderators in every Diocesan Synod, and the Synod shall hold twice every year of the Kirks of every Diocie, viz. in *April* and *October*; and where the Diocies are large, that there be two or three Synods in convenient places, for the ease of the Ministry.

Item, that no sentence of Excommunication, or Absolution therefrom, be pronounced against, or in favours of any Person, without the knowledge and approbation of the Bishop of the Diocie, who must be answerable to his Maj. for all formal and impartial proceeding therein; and the processe being found formal, the sentence to be pronounced at the direction of the Bishop, by the Minister of the Parish, where the offender dwelleth, and the Processe began. And in case the Bishop shall be found to have stayed the pronouncing of the sentence against any Person, that hath merited the same, and against whom the processe hath been lawfully deduced, the same being tried, and he convicted in the General Assemblie thereof, that advertisement shall be made to his Maj. to the effect another may be placed in his room.

Item, that all Presentations be directed hereafter to the Bishop; and upon any presentation given, or otherwise suit made, by any to be admitted to the Ministry, the Bishop is to require the Ministers of those bounds, where he is to serve, to certifie by their testificat unto him of the Partie suiter his conversation past, and abilitie, and qualification for the function; and upon the return of their testificat, the Bishop is to take farther trial; and finding him qualified, and being assisted by some such of the Ministry of the bounds, where he is to serve, as he will assume to himself, he is then to perfect the whole action of Ordination.

Item, in Deposition of Ministers, the Bishop, associating to himself the Ministry of the bounds, where the delinquent served, he is then to take trial of his fault, and upon just cause found, to Deprive.

Item

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E.

Item, That every Minister, at his admission, shall swear Obedience to his Maj. and Ordinar, according to the forms, set down in the Conference kept in the year 1571. whereof the tenor followeth.

The form of the oath to be given by the Person, provided to any Benefice with cure, at the time of his Admission by the Ordinar.

I A. B. Nominated and admitted to the C. of D. utterly testifie and declare in my Conscience, that the right excellent, right high and mightie Prince, *James* the sixt by the Grace of God King of *Scots*, is the only lawful Supream Governour of this Realme, as well in things temporal, as in conservation and purgation of the Religion; and that no foreign Prince, Prelate, State, nor Potentat have, or ought to have any jurisdiction, Power, Superiority, Pre-eminence or Authoritie Ecclesiastical and Spiritual within this Realme: And therefore I utterly renounce, and forsake all forreign Jurisdctions, Powers, Superiorities and Authorities; and promise that from this forth, I shall and will bear faith and true alledgeance to his *Highness*, his Heirs, and lawfull Successours; & to my power shall assist and defend all jurisdictions, Privileges, Pre-eminences, and Authorities, granted and belonging to his *Highness*, his Heirs, and lawfull Successours, or united and annexed to his Royal Crown. And farther, I confesse to have and hold the said C. and possession of the same, under God only, of his Maj. and crown Royal of this Realme: And for the said possessions I do homage presently to his *Highness* in your presence; and to his Maj. his Heirs, and lawfull Successours shall be faithful and true. So help me God.

F. *Item*, the Visitation of the Diocie is to be done by the Bishop himself, and if the bounds shall be greater then he can overtake, he is then to make special choise, & to appoint some worthie man to be Visiter in his place: And whatsoever Minister without just cause, and lawful excuse made, shall absent himself from the Visitation, or the Diocesan Assembly, he shall be suspended from his Office and Benefice; and if he amend not, shall be deprived.

G. *Item*, Exercise of Doctrine is to be continued weekly among the Ministers, at the time of their accustomed meetings, & to be moderated by the Bishop, if he be present; or then by any other whom he shall appoint, at the time of the Synod.

Item. That the Bishops shall be subject in all things, concerning their Life, Conversation, Office and Benefice, to the censure of the General Assembly, and being found culpable, with his *Maj.* advice and consent, be deprived.

Item, That no Bishop be elected, but who is past the age of fourtie years compleat, and who hath at the least been an actual and teaching Minister by the space of ten years.

Which whole Articles being diverset times publicly read, in the face of the whole Assembly convened, after voting the same were ratified, approven, and concluded by the whole Assembly, and ordained to be observed in all time coming.

Acta Sessione quarta undecimo Junij ante meridiem.

The said day the Earle of *Dumbar* one of his *Maj.* Commissioners, being presently of intention, to have caused instantly discharge all Presby-

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ed, seven
non liquet.
Mr Thomas
Ramsey Mini-
ster at
Dumfries,
Mr William
Wallace
Minister at
Simonton,
Mr William
Stirling
Minister at
Mr James
Stewart
Minister at
Saling in
the Presby-
tery of
Dumferm-
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terial meetings by open Proclamation at the market Crosse of *Glasgow*, & that because he had received a special warrant & command from his Maj. to that effect, which he on no wayes would, nor durst disobey; the whole Assembly most earnestly interceed with his *Lordship*, that it might please his *L.* to continue the making of the said Proclamation, and Discharge of the Presbyteries contained in the said Letter, for a certain space; that in the mean time his Maj. might be certiorat of the proceedings of this present Assembly, which they doubted not would give his Maj. full satisfaction in that part; unto the which request, these of the Nobilitie, being presently convened by his Maj. direction in the said Assembly, did concur, and interpon their request to that same effect; whereunto the said Earle of *Dumbar* having acquiesced, upon special offer made by the Noblemen convened, that they would interceed at his Maj. hands, that he should be blameless for the said delay; for the which the Assembly did give his *L.* most heartie thanks. And therefore ordained a Letter to be directed in name of the whole Assembly, containing a most humble Supplication, that it might please his Maj. of his gracious favour to accept of the proceedings of this present Assembly, in the matter of the Discipline of the Kirk, whereunto they had condescended for satisfaction of his Maj. good will, contained in his *Highbness* Letter; and in respect thereof, that it might stand with his Maj. good pleasure and will, to superseed all further discharge of the said Presbyteries.

Anent the Supplication, given in name of *George Marquess of Huntlie*, &c. bearing in effect, that after long Conference & Reasoning, had in the controverted heeds of Religion, betwixt his *L.* and certain of the Ministry, deputed to that effect, he was fully resolved in all doubts and difficulties that might arise therein, or trouble him in any sort; in token whereof he hath subscribed the whole Heeds & Articles of the Religion, presently professed within this Realme; which were presented, with the said Supplication: And therefore desiring that a commission may be directed from this present Assembly, giving power to such Commissioners as they should appoint, to absolve him from the sentence of Excommunication, in respect of his satisfaction foresaid; as at more length is contained in the said Supplication. Therefore the Earle of *Dumbar* his Maj. Commissioner, having declared in his Maj. name, his *Highbness* minde anent the Absolution of the Marquess of *Huntlie* from the sentence of Excommunication; and in special that it should be tried, if his *L.* was fully in heart and Conscience resolved and satisfied in the heeds of Religion, as he had subscribed the same with his hand, to the intent that thereafter he might be absolved from the said sentence of Excommunication. The General Assembly, being ripely advised with the said Supplication, and his Maj. minde declared by his *Highbness* Commissioner thereanent, Giveth, granteth and committeth their full Commission to the Persons after specified, the Archbishops of *St Andrews* and *Glasgow*, the Bishops of *Orkney*, *Galloway*, *Brechen*, *Mr John Hall*, *Mr Patrick Simpstone*, *Mr William Couper*, *Mr Patrick Sharpe*, and *Mr Andrew Leitch*, with power to them to passe with his Maj. Commissioners, and the Earles of *Montrose*, *Glencarne*, *Cathness*, *Linlithgow*, *Kinghorne*, *Wigtoun* and *Lothian*, to the Castle of *Stirling*, where the said Marquess is presently confined. and there to try the said Marquess his intention and resolution, in the Heeds and Articles of the Religion; & if he be fully satisfied thereanent in his heart and Conscience, as he hath outwardly profess.

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ed the same, subscribed with his hand; and in case they finde him fully resolved, and of inward intention to give full satisfaction, in all the points and heeds of Religion controverted; and to avow, and constantly to confesse and professe the true Religion, that is presently professed publickly within this Realme: In that case they give full Power and Commission to the said Brethren, with *Mr Iohn Hay*, *Mr Iohn Mitchel*, *Mr Robert Cornwall* and *Mr Patrick Lindsey*, or any Nine of them (the Archbishops of *St Andrews* and *Glasgow* being alwayes two) to absolve him from the proceesse and sentence of Excommunication.

Item, it was humbly regrated in the Assembly, that notwithstanding of many lovable Acts and Constitutions, as well Ecclesiastical, as Civil, already made and enacted for repressing the disorder and insolence of Professed and Excommunicat Papists; yet nevertheless they do still remain in their former obstinacie and disobedience, proceeding doubtlesse upon the impunitie which they do enjoy, and oversight whereby they are suffered to have free passage and access in all the parts of the Countrey, as if they were not Excommunicat: For remedie whereof it is ordained, that every one of the Commissioners present give in roll to the Clerk of the Assembly, all the Persons that are Excommunicat within their bounds; that the same being presented by him to my Lord Commissioner, his L. may cause the Secret Councel take order with them, according to the Lawes of the Countrey.

And because it is not unknown to the Kings Maj. what manifold treasonable practices and attempts, are, from time to time, devised against his Maj. and his Royal Estate by the Papists, and professed Enemies to the truth: Therefore the Assembly hath thought good, that a Supplication should be directed to his Maj. in name of the whole Assembly, to put his Maj. in remembrance of his own Estate and danger, whereunto his Maj. is subject through the cruel and craftie treason, daily forged and contrived against his State and Person, by the Papists, Jesuits, and seminarie Priests, enemies to God and the true Religion, and to his Maj. because his *Hightness* is a special maintainer of the same against their false and erroneous Doctrines; that therefore it would please his Maj. to have such regard to his own Estate, and preservation of his most sacred Person from their bloudie devices, that by debarring of them, and their favourers from his Maj. presence, his Maj. by the grace and protection of God almighty, may be preserved in safety, to the advancement of the Glorie of God, establishing of the true Peace of his Kirk within his Maj. Dominions, & comfort and tranquillitie of his *Hightness* Subjects, whose wealth & prosperitie in this earth, under God, they acknowledge to consist in his Maj. preservation.

Acta Sessione quinta, undecimo Junij post meridiem.

Forasmuch as in this present Assembly it is alreadye statuted, that the Exercises shall be moderated by the Bishops, in the meetings of the Ministerie, if they be present; or then by any other, whom he shall appoint at the time of the Synod: and because the next Synod is not to be holden before the moneth of *October* next to come; therefore it is ordained, that in absence of the Bishop, the constant Moderators shall remain in their own places, while the next Synod, to be holden in *October* next to come.

Item, because it is uncivil that Lawes and Constitutions, either Civil or Ecclesiastical, being once established, and in force by publick and

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open consent, should be controlled, and called in question by any Person. Therefore it is statute by uniform consent of this whole Assembly, that none of the Ministerie, either in pulpit in his preaching, or in the publick Exercise, Speak or Reason against the Acts of this present Assembly, nor disobey the same, under the pain of Deprivation, being tried and convicted thereof: And in special that the question of equalitie, & inequality in the Kirk, be not treated in the pulpit, under the said pain; & that every one of the said Commissioners present, intimat this act, at their first meeting in their Exercise.

Item, it is statute and ordained by the whole Assembly, that the celebration and solemnization of the holy band of Marrimonie, be refused to no Christians within this Realme, neither upon Sunday, nor upon any other day, when the same shall be required: And ordaineth that the same be performed with all Christian modestie, and without all disorder.

Item, because through sundrie parts within this Realme, as well in the highlands and borders, as in the mid-countrey, and best inhabited and peopled land, there be many Kirks lying destitute of a Pastor, and preaching of the Word, to the great discomfort of the people, whose soules are thereby frustrated of the ordinarie food of the Word of God, which proceeds for the most part of the laick Patronages, and erection of Spiritual benefices in temporal livings; which erections are either not accepted by the purchasers thereof, but left in suspense at the seales, without any provision made to the Ministers of the Kirks of the benefice: Or if they be accepted, either the provision, appointed for the Minister, is somean, that it is altogether unable to intertain an honest man in his calling; or else the Minister is altogether secluded from uplifting that portion, allotted to him by parishioners, addebted in payment thereof, and is compelled to await for the same from the erected Lord his Chamberlain, or his Garner, and so in a manner getteth none, or at the least small payment of the same: For remedie whereof it is thought expedient, that the Brethren after specified viz. the Archbishops of *St Andrews & Glasgow*; the Bishops of *Orkney, Galloway and Cathness*, with *John Clappertown Mr John Hall* and *Mr Robert Buchanan* shall convene at *Edinburgh* the 20. day of *June* instant, and form a Supplication to be direct to his Maj. for planting of all the Kirks, that are unplanted within this Realme, whatsoever rank or qualitie the same be of, and that the same be direct to his Maj. by the Archbishop of Brechen, *Mr John Hall* and *Mr William Couper*, whom the Assembly hath appointed their lawful Commissioners, to present in all reverence to his Maj. the humble Petitions & Supplications, direct to his Highness from this present Assembly.

Thus far word by word extracted out of the register, nothing omitted, but a particular in the end concerning *Mr Thomas Henrison*.

Here observe, good Reader, the King in his Letter professeth he had taken pains, before his departure out of the Countrey, to settle the Government of the Kirk, as if before it had wanted all kinde of Order and Government; whereas he professed at his departure, he intended no alteration of the established Discipline. As for division and distraction, there was none, till he obtruded Vote in Parliament to the Kirk. Neither is it properly to be called division or distraction, where a few, born-up by secular Authoritie, contend for preeminence, the rest repining, or thrall-

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ed to give way. How could Votes be counted sincere and free, where the King promiseth to reward such as are pliable to his course.

In their Conclusions they confesse, that the necessitie of the Kirk craveth there should be yearly General Assemblies. Yea the Bishops assured the Ministers there convened, and that very often, that the King would grant them the libertie of General Assemblies every year. Whereupon it was concluded, that the Bishops should be liable to the Censures of the General Assemblies. Therefore this failing, it appeareth, the power, granted in these Articles abovementioned, falleth, and the Bishops are but Usurpers in whatsoever thing they claime by vertue of these Articles. This is not to excuse the perfidie and perjurie of the Ministers there convened altogether, seeing they were bound by Oath and Subscription to maintain the Established Discipline all the dayes of their lives. *Farther*, what hope could there be of bearing down their tyrannie in the General Assemblies, if Presbyteries and Synods be made obnoxious unto them, seeing General Assemblies consist of Commissioners sent from Presbyteries and Synods? And so, if the Presbyteries and Synods be corrupt, the Assembly must be corrupt also. Where they acknowledge the indiction of the Assembly to appertain to the King, by the Prerogative of his Royal Crown, they have betrayed one of the chief liberties, that our Kirk had not only granted to her by *Christ*, but also was ratified by the Estates, in the hands of the King, so far as in them lay; (if that clause be not foisted-in without their knowledge, as is very likely:) I say, so far as in them lay: Because their Assembly being null in the self, that libertie is not yet rendered, but only with-holden.

The Bishop by these Articles may depute another Minister of the Diocie, to visit his Diocie; but not to moderate a Diocesan Synod: unless the Visitation of the Diocie, and moderating of the Synod be taken for one thing, and so it seemeth indeed. For it is ordained, that whatsoever Minister without cause shall absent himself from Visitation, or the Diocesan Assembly, shall be suspended from his Office and Benefice; and if he amend not, shall be deprived. So Visitation and the Diocesan Synod are here taken as equivalent to Visitation of Ministers at a Diocesan Synod. And this Visitation is called by *Silvester* in his *Summa*, *Visitation non plena*; & distinguished from *plena*, when the Bishop visiteth the particular Kirks of his Diocie. Saw we not that they used no other Visitation of the Particular Kirks of their Diocies, but upon rare occasions? Chooſed not the Bishop his own Clerk, without consent of the Synod? Substituted he not a Vicegerent, when he pleased, without consent of the Synod; & continued the diet at his own pleasure; summoned Persons to compear, in his own name, and not in the name of the Synod; suffered nothing to come in voting, but what he pleased; or the names to be called for giving voices, but when he pleased; numbered or pondered them as he pleased: And when he had ventured a matter upon pluralitie of votes, and they had piped, he did dance as he pleased? So said *Mr James Law* Bishop of *Glasgow*, at one of his Diocesan Synods. And yet Ministers, to excuse their repairing to Diocesan Synods, would bear the world in hand, that there is no difference betwixt the Provincial Synods we had, and these Diocesan Synods, but only that the Bishop is constant Moderator. If it be not an Episcopal Visitation, why is the pretended Bishop suffered to substitute a Vicegerent, seeing that part of the Act, which toucheth the Moderation of Diocesan Synods, giveth him no such power, or to do any thing but that which a simple Moderator should do? Episcopal Visitation

and

and a Provincial Synod or Council cannot subsist together in one Meeting, and one manner of proceeding: in the one, the Bishop is only President or Moderator, but in the other he is Judge, and the Ministers there convened subject themselves to his Visitation. When Ministers therefore shall oppose to the Bishop, substituting whom he pleaseth, to Moderate, citing in his own name, and using negative power &c. then shall we say, they stand to the nature of a Synod? If it were merely a Synod, yet there cannot be that freedome, which was in our Synods before: Because the perpetuities of Moderation, in the Persons of the pretended Bishops, beareth down free reasoning and voting; because by a divided consideration the Bishop is to be considered as High Commissioner, or as Bishop of the Diocle, armed with power, out of the Synod, and without their consents, to Suspend, Deprive, Ward, Fine, give Collation &c.

It would be demanded, how the Bishops can alledge, that Presbyteries stand only *precario*, and by tollerance? For where shall the processe against any offender be intended, or reduced, till it come to the pronouncing of the sentence, if not in the Presbyterie? For in this point the power of the Presbyteries is not abolished, nor is there any ordinary judicatorie Ecclesiastical established by the Conclusions of this Assembly, in room or place of the Presbyteries, for that effect. As for the Bishops, they have no power here granted to intentat, or deduce processe against any offender. And as for the *High Commission*, it is not a Judicatorie ordinar of the Kirk.

It is provided, that in case the Bishop shall be found to stay the pronouncing of the sentence of Excommunication, the processe being lawfully deduced, that the King shall be advertised by the General Assembly, that another may be placed in his room. Doth not this presuppose, that there must be an ordinarie set time of the General Assemblies? And doth it not likewise follow, that seeing we have not these ordinarie Assemblies once in the year, and at set times, that the Presbyteries may proceed to the sentence of Excommunication, or Absolution; albeit the Bishops approbation cannot be had?

By the Conclusion of this Assembly, Collation of benefices was not taken from Presbyteries; howbeit it be ordained, that Presentations be directed hereafter to the Bishop.

Is it not a ridiculous form of proceeding, to require the Ministers of the bounds, where the Person presented, or to be admitted, is to serve, to try his Conversation & Qualification; and the Bishop himself to enter after in a farther trial? For what if he Judge him not qualified, whom they finde qualified? Shall the Judgement of one crosse the Judgement of many? For there is no other abilitie or qualification required by the Article, but for the function of the Ministry.

If by the Ministers of the bounds, that should try the Person to be admitted, be meant the Presbytery, as was truly meant by that Meeting, forbearing the word *Presbyterie*, only because it was odious to the King, as was alledged. Then Bishops may not referre the trial to any Ministers within such a circuit or bounds, where the Person is to serve, and neglect the Presbytery. For if only the name was forborn, because offensive to the King, and this other periphrasis, of *the Ministers of the bounds*, used in steed of it, the thing it self remaineth to be understood under that periphrasis, to wit, the Meeting or Company of Ministers within such a

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bounds, making up one Senat and constant Societie. Why then do not Presbyteries oppose to the admitting of Ministers without their trial?

The Bishop is not bound by the Article of Admission, to joyn the Presbyterie with him, in the Act of Ordination, but so many of the Ministry of the bounds, as he will assume to himself. In this point indeed much is derogate from the power of the Presbyterie: Yet our Prelats many times did not so much as assume some of the Ministers of the bounds. They gave Ordination in their Chappels, and devided Giving of Orders, as they call them, and Admission to a particular Charge, as is the manner in the Popish and English Church, and contrair to the ancient order of our Kirk, and book of Discipline; and without warrant of this their own Assembly. Might not then the Presbyterie justly oppose to such an Ordination, & exclude the Person ordained out of their number, seeing Ordinarie General Assemblies cannot be had to censure the Bishop, as was both promised, and beleevd? And for the same Reason might not Presbyteries proceed to Admission by themselves, if the Bishop failed on his part, or took any other course, then is approved by the Acts of the General Assembly?

By the Articles of deposition it followeth, that no Bishop by himself may try, or deprive the delinquent Minister; nor yet associat to himself other Ministers in the Diocie, without the bounds or Presbyterie, where the delinquent serveth; nor yet associat to himself other Bishops. As for their power they have in the High Commission, they have it not by vertue of this Act, but from the King, without consent either of Parliament or Assembly. It may be demanded likewise, if the Presbyteries may not proceed against the delinquents, if the Bishop disdain, or neglect their assistance or concurrence; seeing there is no ordinary General Assemblie to complain unto, for his frowardness, as was promised?

In the Article of the oath to be taken at the time of Admission, the Minister is bound to swear Obedience to his Ordinar. But no where is it declared who is the Ordinar, what is the Power and Office of this Ordinar; or that these who are stiled Bishops, are the Ordinars, or the words of the oath conceived; but omitted: So that it seemeth these words, *and to his Ordinar*, were foisted in.

In the Article of Visitation it appeareth, that by the Diocesan Synod is meant no other thing, but Episcopal Visitation; as we have already made manifest.

In the Article of the exercise of Doctrine, the exercise of Discipline, for any thing that is said in that Article, may be moderated by a Moderator chosen by the Presbyterie.

If the Bishops shall be subject in all things concerning their Life, Conversation, Office and Benefice, to the censure of the General Assembly; then it is evident, that in the former Articles nothing was granted, but upon assurance of ordinary General Assemblies. Therefore this failing, it followeth, that not only have they, *ipso facto*, forfeited all the power granted to them in the former Articles; but also that they remain still subject to the censures of Presbyteries and Synods, conform to the Caveats set down in former Assemblies, for keeping them from corruption.

General Assemblies may choose their own Moderator, notwithstanding of any thing that is said in the Act of this Assembly, howsoever the pretended Archbishop usurped the place.

The nullitie of this Assembly may be inferred upon that, which hath

The nullity
of Glasgow
Assembly.

been

been already said. The worthiest of the Ministrie were Banished, Ward-
ed, or Confined, & detained in Confinement many years, without trial
or conviction, who were most able for light and experience to give light
unto others. The election of Commissioners was not left free to Pres-
byteries. Intimation was not made by publick Proclamation, that all
who had interests might be present. Terrours were used by the Kings
Commissioner, & the guard was present to terrifie. Ministers were brib-
ed, & votes bought and sold. Sundrie voted without, or contrair to their
Commission. Promises made, and assurances given, to induce, but not
performed; and captious phrases used, to circumveen.

When the Noblemen & Bishops came to *Stirling*, immediatly after the
dissolving of the Assembly, *Mr Patrick Simpson* Minister at *Sterline*, in
time of Sermon, laid to the charge of the Bishops so clearly their perjurie &
defection, that the Bishops were in doubt whether to delate him, or to
comport with him: But patience then prevailed with them. When they
came to *Edinburgh*, *Mr Walter Balcanquhal* did the like. He was call-
ed before the Council, where *coram* he convicted Bishop *Law* of Perju-
rie and Apostasie, so that he had not one word to answer. So he escaped
with a simple admonition to be sober, and acquiesce to the Conclusions
of the Assemblies of the Kirk.

Upon these occasions, & for fear of the like, followed a terrible Procla-
mation, commanding all Subjects of whatsoever Sort, Condition or Fun-
ction, to Obtemper, Obey, and not to Impugne any Article, Point or
Heed of the Conclusions of the last Assembly; & in special all teaching &
preaching Ministers, and lecturing Readers, that they presume not, ei-
ther in their Sermons publickly, or in Privat Conferences, to Impugne,
Deprave, Contradict, Condemne, or utter their disallowance or dislike,
in any Point or Article of these most grave and wise Conclusions of that
Assembly, ended with such Harmonie, as they will answer at their highest
peril and charge: And commanding all Sheriffs, Stewarts, Bailiffs,
and their Deputes, all Provosts and Bailiffs of Burrowes, and other Magi-
strats whatsoever, that if they do hear or understand of any breach of
this present Commandment by any Preacher, Minister, or lecturing Rea-
der, or other Subject whatsoever, that they fail not presently to com-
mit the trespasser in this kind, to some prison and ward, till the Lords
of the Privie Council be advertised, & answer be returned, what should
be done farther: And commanding all other Subjects, bearing no Office
or charge of Magistracie, that, upon hearing of any man transgressing
this present commandment, they certifie the next Magistrat, or some one of
the Privie Council, with certification they shall be holden as guiltie. An
evil deed hath need to be well backed. When Gods Glorie and well of
the Kirk, was respected in Assemblies, there was no need of such Char-
ges and Proclamations, to force Ministers to Obedience, or to suppress
Obloquie.

A Little after the Assembly holden at *Glasgow*, *James Colvine*, a
Scottish Gentleman, visiting *Mr Andrew Melvill* in the Tower, found
him so pensive and melancholious, that he got no speech of him for a space,
at length he brake forth in these words: *That man* (meaning *Dumbar*)
that hath overthrown that Kirk, and the liberties of Christs Kingdome
there, shall never have that grace to set his foot in that Kingdome again:
As he foretold, so it came to passe: and *Dumbar* ended his life, the next
Januar following, at *Wythall*.

Some Mi-
nisters con-
demn the
Assembly
publickly.

The Con-
clusions of
this Assem-
bly ratified
by Procla-
mation.

The Dio-
cesan Sy-
nod of
Fife.

In the moneth of *September*, *Mr George Gladstones* held a Diocesan Synod in *Angus*, without any great opposition made by the Ministers.

Upon the ninth of *October*, he held another Diocesan Synod in *Fife*, in an *Ile* of the Kirk of *St Andrews*; where before the Assemblies were wont to be holden in *Saint Leonards* Colledge. On the east side was set a table covered with a green cloth, and a green velvet cushion upon it, and a stool beside, for the Clerk. After prayer *Mr John Mitchelson*, was chosen Clerk. Thereafter the Bishop craved a Privie Conference. Then *Mr John Malcolme*, Minister at *St Johnstown*, spake after this manner. Seing we are here convened to see what shall be done to the Glory of God and well of his Kirk, we would know by what Authoritie, and upon what ground the order of our Kirk, established in so many famous General Assemblies before, and ratified by Acts, was altered: For we cannot see that order altered, but with grief of heart; seing we acknowledge it to be the only true form of Government of *Christ's* Kirk. The Bishop in rage, and with contempt answered, that he would not have believed, that such an aged man would have uttered such foolish talk. Could he be ignorant of the Acts of the Assembly of *Glasgow*? He would be Moderator according to that warrant; and was of the minde, that none there present was of his judgement, but himself. Whereupon *Mr William Arskeen* said, *Domine*, our Reverend Brother and aged Father hath not spoken without reason: For suppose we be come here, thinking it his *Maj.* will; yet are we not minded to do any thing by Gods Grace against our Conscience. We would first see the warrant of your Moderation; otherwayes if ye will do any thing tyrannically, it were better for us to be absent, then present. The Bishop answered, who should inform you of the Acts of the Assemblie? I will not satisfie any of your hearts that way. If ye will depart, upon your own peril be it. If there were but three or four to remain, I shall do my dutie and service to the Kings *Maj.* *Mr John Kinneir* said, think ye that this can be a meeting to Gods Glorie, or to do any good, when ye will sit to do as ye please, and will not with patience hear the Brethren? Ye will finde discontentment in moe here convened, if ye give us not some warrant. The Bishop becometh more calme, and saith, it is a strange matter, Brethren, that ye are so troubled about an indifferent matter: what matter who be Moderator, if nothing be done, but to the contentment of you all? I shall promise before God, that nothing shall be done, but with consent of the whole or most part of the Assembly. *Mr William Couper* said, *My Lord*, it were well done to go to the matter, and let the Brethren receive contentment. And so without farther opposition the Bishop proceeded. Twelve or thirteen were chosen to be upon the Privie Conference, which was not usual at the Synod of *Fife*, the Bishop nominating one, and the Assembly another. When the Conference convened, the Bishop sent for *Mr Robert Howie*, alledging that Doctors should be joined with Pastors, in case any doubt occurred.

When it came to the trial of the Brethren, a whole Presbytery was not removed together, but five or six Brethren. When he had asked at Ten or Twelve in the Catalogue, what they had to say against them; then he asked in general, if any man had ought to object. Thereafter he caused the beddall cry at the Kirk door, is there any man to object against the Ministers of A. B. C. their Life and Ministry, let them compear, and Object. It was the form of old, that whole Presbyteries were removed to

be

betried: but this form of trial now had the greater shew of a Diocesan Visitation. After a perfunctorious trial, when the Bishop was hastening to end the Assembly, one of the number put him in minde, that the trial of the books of the Presbyteries was forgotten. But because all were not readie, it was ordained they should be brought after, as of before.

Thereafter the Bishop gave warning, that if any man spake against the Acts of the Assembly, he should be Deposed, and farther punished according to his *Maj.* pleasure. The Acts of *Glasgow* Assembly were read, wherewith the Brethren were much moved. *Mr David Mernes* said, our Kirks sounded all one truth, till great livings came in: ye pretend the word; but let us see no warrant. We know nothing ye seek, but gain and preferment in this course. Others also spake as they were moved. Then *Mr VWilliam Couper*, an unconstant man, and now gaping for a Bishoprick, said, My Lord, hear me, and Brethren, I beseech you in Christ, remember, these things are not such essential points, as to rent the bowels of the Kirk, or to cast your Ministry in hazard for them. What joy can ye have in your suffering, if ye suffer for a matter indifferent: As who shall be Moderator; who shall have Imposition of hands? Wherefore serveth it to fill the peoples ears with contentious Doctrine, concerning the Government of the Kirk? Were it not far better to preach Christ sincerely, to wait on, and see what the Lord will work in these matters? So indifferent a man was *Mr Couper* now become, that he counteth all that was done in *Glasgow* but indifferent, and minceth the matter so, as if nothing had been concluded, but simple Moderation and Imposition of hands. The Bishop, applauding to his speech, said, no honest man would be of another opinion. *Mr David Spence* said, no honest man will dissemble his Judgment in this matter: For a Neutral is not worthie to live in a Commonwealth, let be in the Kirk of God. Can we that have seen the Discipline of the Kirk, established by such worthie men of God, after long disputation by the space of many years, sworn and subscribed to, called now a matter indifferent? I stand still perswaded, till I see Reason in the contrair. The Bishop answered, live you upon your own opinion, and let every man do as he will be answerable. Itell you the danger, if any man contraveen the Act. *Mr John Kinneir* said, there needeth no reasoning, we must lay our account to abide the extremitie, if we transgresse these Acts. They are such as in our Conscience we think are against all Equitie and Reason. No wonder, said *Mr David Spence*: If I had the value of fourtie Schillings to plead for before a judge, will I make that man procurator for me, who I know perfectly will give my fourtie Schillings to my partie? We know that these men, who were nominat for the most part to that Assembly, were of a contrarie minde and intention to us: And therefore we would give them no Commission from our Presbyteries. *Mr David Mernes* said, we can do no lesse, then testifie our discontentment, and protest before God, that we are not satisfied: And therefore will await till the Lord grant a better time. Do so, said the Bishop, and let us end. When the Bishop intimated this Synod, he sent his Missives to Particular Ministers, requesting them to concur to such things, as are competent to that judicatorie, for their interests, and to abide such trial as shall be thought fittest; and withall intimateth, that Suspension from the Ministry. is the penaltie of wilful absence for the first time. Howbeit *Mr Gladstones* behaved himself somewhat calmly at this time, that he might get possession of his pretended power: Yet ye see in

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The Bishop's cook
killed in
time of
Sermon,

The Pres-
bytery of
Hadintoun
prepare for
opposition
at the next
Synod.

the premisses sundrie signes of Episcopal Visitation, rather then a Provincial Council or Synod.

Upon the Sabbath day after this Diocesan Synod, Bishop Gladstones, reposing himself in his bed, in time of the after noones Sermon, was wakened, and all the people in the Kirk raised with a cry of bloud and murder. For his sister sonne killed his cook with a throw of his dagger, just under the left pape, while he was beginning to prepare the supper.

Bishop Gladstones was to hold the Diocesan Synod of *Lothian*, in *Hadintoun* the first day of *November*. In his *Missive* to the Presbytery of *Hadintoun*, he required so many of their number, as were of that *Diocie*, to be present, accompanied with two or three Commissioners from every Parish; assuring them, that he can do no lesse of dutie, than adjudge the wilful absence to the penaltie, appointed by the last General Assembly, that is, Suspension from the Ministry, at least. Here again ye see the signes of Episcopal Visitation: For he requireth them to come accompanied with three or four Commissioners from every Parish, for the trial of their Ministers, as appeared: Which was not the use of our Synods before. Farther, he arrogateth to himself the inflicting of suspension for absence, which a simple Moderator could not have done. They resolved upon three things. 1. Upon agentle Request or Supplication. Next, that their Moderator *Mr James Carmichael* present it *primo quoque tempore*, subscribed by him and the Clerk in their names; and in case it be not received out of his hand, that he utter the substance by word: And every one, as God should offer occasion, promised to bear hand to him, & to urge the same. Thirdly, All thought it meet *simpliciter* to refuse his judicatorie. The tenor of their Supplication, or (as they thought it was in effect) their Protestation here followeth.

For as much as we have had as well Civil as Ecclesiastical Lawes, Prescribing and Authorizing the External Government and Discipline of the Kirk, agreeable to the Word of God; and have praîsified the same so many years, whereunto we have sworn and subscribed, at the Kings *Maj.* command, and the command of the General Assembly of the Kirk, as well in the Confession of Faith, as in the *Book of Policie*. As likewise at his *Maj.* Command, and Command of the General Assembly, have craved, and obtained of all Earles, Lords, Barones, and the rest of his *Maj.* Subjects within our Congregation, by their Oaths, and Subscriptions, Allowance, Approbation and Practice thereof. And whereas of late some distraction, and diversitie of opinions have entered among the Brethren; for removing whereof, at the Assembly holden at *Linlithgow*, were nominated twentie Persons to have met, reasoned and conferred, & to have reported their Judgments, which report is not as yet made, as was required to be done, for satisfying of the Conscience of the Brethren. Therefore we desire, in the name of God, and of his sonne Christ, that the said ordinary mean may be used, for our resolution in the said Controversie, and that the said Discipline Prescribed, Confirmed, and Praîsified with good Reason out of Gods Word, may be retained, aye and while a better be shewed out of Gods Word; so that we and our flocks may be preserved from the infamous notes of Inconstancie and Perjurie. And in the mean time we request, that we be not pressed and urged to the accepting and practising of any other Discipline or Government of the Kirk.

At the day appointed, the Bishop after Sermon upon *Jud. 11, 12.* Came down to the Table: he gratified them with the choosing of a Clerk. *Mr James Carmichael*, Moderator of the Presbyterie of *Hadintoun*, was

silent

silent when the Bishop was asking voices; howbeit his Brethren had given him many signes to discharge his Commission. When the Bishop asked at Mr *John Ker*, Minister at *Saltpreffoun*, whom he thought meetest to be Clerk, he answered, Sir, There is another matter which must go before the chusing of a Clerk. The Bishop demanded what it was? He answered, that their Presbytery had given Commission to Mr *James Carmichael*, their Moderator, to present some few lines in their name, which he trusted the Assembly would find reasonable. The Bishop replied, that nothing could be received conveniently either by word or write, without a Clerk: And therefore prayed him to give his vote. The other answered, I will not stand to give my vote under Protestation, that it shall not be prejudicial to that, which shall be said or done by me, or by my Brethren afterward. After the Clerk was chosen, he riseth again to urge the matter. The Bishop perceiving called upon Mr *James Carmichael*. Mr *James* made a tedious & unprofitable harangue, hindered the reading of their smooth Protestation, or Request, which was more sharp and pertinent then his speech. At last he came to that, which was committed to him by the Presbyterie; but uttered it well sparingly, and omitted the last Clause. Then the Bishop said, seeing he hath uttered his minde so largely by tongue, he needeth not to read his Paper, & began to answer. Mr *Andrew Makghie* assisted Mr *James*, Mr *Archibald Oswald*, preased to succeed. The Bishop perceiving by his preface, that he meant, both in his own name, and in name of the Presbytery, to renounce his Judicatorie, riseth in a furie, and saith, what is that I am doing? I am not come here to reason or contend with words, but to execute Lawes: And therefore I will not hear you, nor any man speak more so in publick; and commanded him silence. Mr *Archibald* said, if ye will not hear me, but command me silence, I shall be alwayes silent. I mean not to hinder you, said the Bishop, to speak in right time and place. Ye shall be heard in the Privie Conference with your Billes and Protestations; and if they be reasonable, they shall have a reasonable answer. He commanded all men to be silent, till the names were called-on, and so choosed the Conference. None well affected were chosen, one excepted. The three Brethren above named found no assistance, as was promised both by their own Brethren, & by the Presbytery of *Dalkeith*.

While the Bishop was going to dinner, he had almost broken his leg: for a great stone at the entrie of the Kirk door, almost six quarters every way, broad, and long, sleept within, and fell down vwith him; howbeit two or three hundred had gone out before him: Whereupon was made a prettie Epigram in latine.

After noon the matter, proponed by the three Brethren, was treated in the Privie Conference, and they vvere accompanied vwith the rest of the Presbyterie. The Bishop prayed them to be peaceable; and granted that that vvhich they craved, proceeded from good affection. But as for me, said he, I dare not, nor I will not exeeim you from obedience, but will be content to communicat my light to you, vvhich I am vvell assured. Mr *John Ker* answered, they vvere as vvvilling to communicat their Light to him, vvhich they vvere as vvell assured: And therefore again desired, that at the least he vwould not burden their Presbytery vwith that yoke of obedience to his Government. The Bishop answered, he neither vwould, nor could. Mr *Archibald Oswald* said, he vwould not refuse to obey any Law of the Kirk, so far as his vweak bodie and tender conscience would suffer him. But as concerning this matter, that we have novv in hand, I am resolved not to obey: because my conscience vwill not suffer. I hope vve be all of

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this minde, said *Mr John Ker*. Obey it, or not obey it upon your own peril, said the Bishop; for ye know it. None of the Presbytery of *Hadintoun* was called-on that night, in any purpose, except *Mr James Carmichael*, who did sit, Vote, and Reason. The day following the Bishop was informed, that the Presbytery of *Hadintoun* would reject his censure or trial: Therefore was he loath to meddle with them in any case, till he was forced in a matter, concerning the plantation of *North Berwick*. But some went out before they were called-on: The rest would not Vote in that place. *James Reid*, one of their number, removed himself, & came in again to be tried. There was no more opposition in this Synod.

What opposition was made in other Synods by some of the best sort, I have not enquired. Howsoever it was, the Bishops were become so awful with their grandour, and the Kings Assistance, that there was little Resistance; howbeit great murmuring and malecontentment: So that their possession was violent.

Three Scots
Bishops
consecrat-
ed.

Mr John Spotswood Bishop of *Glasgow*, *Mr Andrew Lambe* Bishop of *Brechin*, & *Mr Garwin Hammiltoun* Bishop of *Galloway*, were all three consecrated Bishops solemnly, in the moneth of *November*, by *Abbots* Bishop of *London*. There was no mention made, in the Assemblie of *Glasgow*, of their Consecration: For howbeit the unhappie pack, there convened, tyed Presbyteries & Synods unto them, in the cases expressed; yet meant they not to determine, that there was a distinct Office of a Bishop in the Word, differing from the Office of a Minister. For by the Bishop of the Diocie, in the Act of *Glasgow*, is not meant a Bishop by Office, but only a simple Minister, so stiled in the preceeding Assembly, & that vulgarly in respect of his great benefice of Bishoprick. That some Ministers by Divine, or Apostolick Institution, ought to have power over other Ministers, & their Flocks, or are to be proper Pastors of all the Congregations of the Diocie, or that Ordination of Presbyters was tyed to them by Divine right, was not the meaning of that Assembly: And therefore no Consecration was intended. The power granted to them, was only a power derived from that Convention, which another Assembly may take from them again, without Degradation or Execration, as they call it. Their Consecration then is of no force, and ought not to be acknowledged.

In the moneth of *December*, the three consecrated Bishops returned to *Scotland*, and consecrated *Mr George Gladstones* Archbishop of *St Andrews*, after the same manner, that they were consecrated themselves. But the Consecration of the first three being null, the rest, that followed, are null also.

1611.

The Earle
of *Dumbar*
his death.

The Earle of *Dumbar*, a chief instrument employed for the overthrow of the Discipline of our Kirk, departed this life at *Whythal* the penult of *Januar*. So he was pulled down from the height of his Honour, when he was about to solemnize magnificently his daughters Marriage with the Lord *Walden*. He purposed to keep *Saint George* day after, in *Berwick*, where he had almost finished a Sumptuous and Glorious Palace, which standeth as a monument to testifie, that the curse, which was pronounced against the rebuilders of *Jericho*, was executed upon him. Of all that he conquered in *Scotland*, there is not left to his posteritie so much as a foot-breadth of land. His death bred an alteration in state affairs. Sundrie of the Council, as well Bishops, as others, went up to Court in the moneth of *March* after, every one for his own Particular.

The

The Duke of Bulloine obtained libertie to Mr Andrew Melvine to come to Sedan. So he was set at libertie out of the Tower, after four years imprisonment. Mr James Melvine his place of confinement was changed from Newcastle to Berwick, the year preceeding.

Upon the Lords day the 13. of Januar, & upon the Lords day the 24. of Februar, the rest of the Bishops were consecrated, some at St Andrews, and some at Leith.

About the end of May, the Earle of Errol, warded in the Castle of Edinburgh, was set at libertie; howbeit not relaxed from Excommunication. The Bishops had obtained their purpose, as they thought; and therefore Papists were set at libertie again.

Not long after, Mr John Stratoun Minister of Forreß in the North, was cited to compear before the Bishop of St Andrews, and some of the Kings Council, to answer for the Doctrine, delivered by him at an Exercise, against the state of Bishops, the Bishop of Murray being present; and was warded in the Castle of Innerneß.

Maßer Gladstones sent this Letter following to the King, in August.

Most gracious Sovereign.

As it hath pleased your Maj. to direct me, and my Lord your Maj. Secretarie, for advising anent our affairs to be handled, in this approaching Parliament: So happily did I finde him, and my Lord of Glasgow both in this Town, and convened them both, immediatly after my arriving, and with good advisement we have made choise of those things, which are most necessarie; and have omitted those Articles, which may seem to carrie envy or suspision, or which your Maj. by your Royal Authoritie, might perform by your self. But we all hold fast this conclusion, that it is most necessary and convenient, both for your Maj. service, and well of the Kirk, that the day viz the 12. of October shall hold precisely, to the which the Parliament was proclaimed upon the 24. of this instant. I will assure your Maj. that the very evil will, which is carried to my Lord Chancelour by the Nobility and People, is like to make us great store of friendship: For they know him to be our professedemie; and he dissembleth it not. I thank God, that it pleased your Maj. to make choise of my Lord Secretary to be our Formalist, & Adviser of our Acts: For we finde him Wise, Fast and Secret. We will not be idle in the mean time to prepare such as have Vote, to incline the right way. All men do follow us, and hunt for our favour, upon the report of your Maj. good acceptance of me, and the Bishop of Cathness; and sending for my Lord of Glasgow, and the procurement of this Parliament without advice of the Chancelour. And if your Maj. vwill continue these shining beames and sheeves of your Maj. favour, doubtless, the very purpose, that seemeth most difficult, vwill be facilitat to your Maj. great honour, and our credit; vvhich if it vvere greater then it is, your Maj. vwould receive no interests. For besides, that no Estate may say, that they are your Maj. Creatures, as vve may say; so there is none vvhose standing is so slippery, vvhhen your Maj. shall froyvn, as vve: For at your Maj. nod, vve must either stand or fall. But vve referre the more ample declaration of these purposes, & other points of your Maj. service, to the sufficiency of my Lord of Glasgow, and my good Lord Secretarie, the fourteenth Bishop of this Kingdom. But my Lord of Glasgow and I are contending, to vvhich of the

I 611.
M.A. Melvine let our of the tower.

Bishops consecrated.

Errol set at libertie.

Mr John Stratoun warded,

I 612.
Mr George Gladstones Letter to the King.

1612.

two Provinces he shall appertain. Your *Maj.* who is our great Archbishop must decide it. Thus after my most humble and heartie thanks for your *Maj.* good acceptance, and gracious dispatch lately, which hath filled the ears of all this Kingdome, I beseech God to heap upon your *Maj.* the plentie of all Spiritual and Temporal Blessings for ever, I rest

Edinburgh the last
of August 1612.

Your *Maj.* most humble subject and servitour
S. ANDREWS.

By this Letter ye may see, what preparation was made for the ratification of the Acts of *Glasgow*, at the next Parliament: how they, as Sycophants, traduce the Chancellour; and would make the King believe, that he was hated by the people for hating them; and how again they recommended the Secretarie, *Sir Thomas Hammiltoun Lord Binning*, lately made Secretar, as a sure and fast friend, worhie to be reputed the fourteenth Bishop. No doubt, because they had found him as forward in their course, as any of themselves. He had given a proof before, when he was the Kings Advocat. They seem to contend, to which of the two Courts of *High Commission* he shall belong. They professe no Estate can say, we are the Kings Creatures, as they can say; that they stand & fall at his nod. judge then what these Creatures will do to please their Creator? Ye see here, what pains is taken to prepare Votes against the next Parliament, and how long before the time they begin to work. If there be so much knaverie in one Letter, what shall we judge of the many Letters, they have sent to Court from time to time?

a Parlia-
ment.

Upon the 16. of *October* the Parliament began. It was thought, that the Bishops procured, that the Chancellour should be constitute the Kings Commissioner at this Parliament, that he might be shifted from his Office of Chancellary, whereat *Spotswood* aimed, as was reported. The Bishops were earnest for a greater taxation to the King, than was granted.

The Act of
Glasgow
ratified at
this Parlia-
ment.

At this Parliament the Act of *Glasgow*, under the colour of explanation, was impaired, enlarged, or altered. So that in effect it was a new Act, different from that of *Glasgow*, as may appear by this collation following: And therefore an Act past without consent of the Kirk.

By the Act of *glasgow* the Bishops are to be subject, in all things concerning their Life, Conversation, Office and Benefice, to the censure of the General Assembly; and so were they by the Caveats, agreed upon at *Montrose*. But this Article is omitted in the ratification or explanation of the King and Estates at this Parliament; which was not done without the device of the *Prelats*. So notwithstanding of the promises and assurances made in time of the Assembly, they procure exemption from the censure of the General Assemblie, so far as lyeth in the Parliament.

In the Article concerning the Moderation of Diocesan Synods, the Bishop hath no power to substitute another to be Moderator in his absence. But by the ratification of this Parliament he may. And indeed if the Diocesan Synod, and Episcopal Visitation be all one, as appeareth, then the explanation is right, & the Articles in the Act of *glasgow* were contrived captiously, to circumveen the Assembly.

No mention was made of Collation of benefices in the Act of *glasgow*. But here in the ratification, power is given to the Archbishop or

Bishop

Bishop, to give Collation, to dispose of, and conferre benefices falling *jure devoluto*.

1612.

By this ratification and explanation, in case the Bishop refuse to admit a qualified Person presented to a benefice, the Patron or Parish may complain to the Archbishop; and if the Archbishop make no redresse, the Lords of Session and Council may direct Letters of horning, to charge the Ordinar to do his dutie. But at *Glasgow Assembly*, no power was given to one Bishop to redresse wrongs done by another; nor any mention made at all of Archbishops.

The order of proceeding in the Trial and Admission of Ministers, concluded in the Act of *Glasgow*, is omitted in this ratification.

The form of the Oath of Obedience to the Ordinar, at the Admission of a Minister, was not conceived then, lest it should breed some scruple. But here in the ratification it is conceived. In the Oath of Obedience to his *Maj.* for these words, *conservation and purgation of Religion*, we have in the ratification, *in matters Spiritual and Ecclesiastical, as in things temporal*. If the Benefice be at the presentation of a laick Patron, the Person presented is ordained by this ratification, to give his oath, that he doth acknowledge and confesse him to have and hold, and possesse the same under God by his *Maj.* of E. F. lawful Patron of the same; which differeth from the words conceived in the Act of *Glasgow*.

If the Bishop stay the pronouncing of the sentence of Excommunication, or Absolution, against, or in favours of any Person, by this ratification he must be answerable to God and his *Maj.* But by the Act of *Glasgow*, the processe being tried to have been lawfully deduced, he may be convicted in the General Assemblie, and another placed in his room, with consent of his *Maj.* But here trial or conviction in the General Assembly, and placing of another in his room with consent of his *Maj.* is omitted.

By the act of *Glasgow* none should be elected Bishop, who hath not past the age of fourtie years, & hath not been an actual Minister the space of ten years. But this Article is omitted in the ratification.

By the Act of *Glasgow* the Exercises of Doctrine is to be continued weekly, at the time of their accustomed Meetings. But this clause is omitted in the ratification.

The Bishops consenting to these Omissions, and Additions, without the advice and consent of the General Assembly, whereunto they were tyed by the Caveats, bewrayed not only their perfidie, but also their insatiable desire of absolute jurisdiction, and to be exeemed from all censures. But if that Assembly were to be acknowledged, we are to look more to the Act of the Assembly, than to the ratification of it, or explanation in Parliament; which is like the glos of *Orleance* destroying the Text.

I passe by the death of Prince *Henrie*, who departed this life the seventh of *November*, as a matter treated at length in other Histories.

I passe by the marriage of Ladie *Elizabeth*, solemnized upon the 14. of *Februar*; referring the Reader to the English storie.

1613.

In the beginning of *March*, Secretar *Hammiltoun* informed the Ministers of *Edinburgh*, that the Pope had Excommunicat the King. The Ministers informed the People: But it proved a lie.

Upon the 9. of *Februar*, libertie to the confined Ministers, within the Diocie of *Glasgow*, was proclaimed at the crosse of *Edinburgh*, purchased, as was alledged in the Proclamation, by the Bishop of *Glasgow*.

to

1616.

to repair to Synods and Presbyteries. But because it was granted only upon condition, to wit, upon assurance given to his *Majest.* that they would hereafter carrie themselves in that dutiful obedience, which they owe to his *Majest.* and with that respect which becometh them toward their Superiors. *George Johnston* Minister at *Ancrome*, and *Mr David Calderwood* Minister at *Crailling*, were careful to get a copie of the Proclamation, which could not be obtained a long time after. When they understood of the condition, they accepted not of the libertie offered.

Mr Garwin Hammiltoun, forsaking his Pastoral Charge at the Kirk of *Hammiltoun*, was not content with the Bishoprick of *Galloway*, as it had of old annexed unto it the Abbacie of *Tungland*; but procured also a new annexation of other two Benefices, the Abbacie of *Glenluce*, and Priorie of *VVhitterne*. Seldome did he preach. It was requested by the Ministers, in the last Diocesan Synod, which he had before his death, to take him to a particular Charge, and Preach. He confessed his offence in Not-preaching, but refused to undertake a particular Charge. When some regrated to him the grosse corruptions, which proceed from their Estate, and the fear of grosser. He acknowledged there was just cause to fear, saying, ye count these corruptions great, but who liveth, shall see grosser then these. When *Mr Gilbert Pouer*, a Brother of the Ministry in *Galloway*, modestly refused a carouse offered by him, he abused him in presence of other Ministers, plucking his hat from his head in his furie, and casting it upon the ground. He dispensed with the marriage of a Gentleman in *Galloway*, named *Niven Agnew* of *Mais*, having his first Wife alive; notwithstanding that the Brethren of the Ministry in open Synod opposed unto it, as a perillous preparative, tending to the overthrow of Discipline, in that rude Diocie; and to open a door to Adulterers. When the marriage of his daughter upon *Campbel* Bishop of *Argile*, was solemnized in the Abbey of *Glenluce*, where he kepted his residence for the time, he vomited like a beast at the banquet. He died with little sence.

Mr William Couper preferred to the Bishoprick of Galloway.

Mr VVilliam Couper succeeding to him, was not content with that clustering together of Benefices, which his predecessors had purchased, but laboured for an annexation of the Chappel Royal to his former Benefices. After he had accepted the Bishoprick, he set forth an Apologie in print, to purge himself of Covetousness and Ambition, & gave Reasons wherefore he changed his minde. But he was so vexed with answers, that he cast some of them in the fire, and would not look upon them. Yet *Mr David Home* of *Godscroft* pressed him with a reply to his answer. Whereupon *Mr Couper* set forth his *Dicaialogie*, answering only to such Passages as pleased him. Whereupon *Mr David* wrote an ample rejoinder; which was never printed, Because the Gentleman wanted the commoditie of the Presse. None was more forward in the purer times against the state of Bishops: None now more frank for the corruptions of the time. After he had gotten the Bishoprick, he maketh not residence in *Galloway*, but in the foot of the *Cannongate*, that he might be near to the Chappel Royal, where he preached as *Dean*, neglecting his Diocie, where he ought to have preached as a Bishop, if his Office had been lawful.

Upon the first of *December*, *Mr Patrick Lindsey*, Minister of *St Vrgans*

Angus, was consecrated Bishop in *Leith*, and succeeded to *Mr David Linsey* Bishop of *Ross*.

Mr James Melvine, after he had suffered seven years exile at the Kings pleasure, not convict of any offence, *Januar 21.* ended his dayes at *Bervvick*, the place of his confinement, where he made a happie and blessed end. He was one of the wisest directors of Kirk-affairs, that our Kirk had in his time; and for that cause was ever employed by the General Assemblies. He acted his part so gravely, so wisely, & calmly, that the Adversarie could get no advantage. Yet the King being set to perfect that work, which he had begun, of the advancement of the Estate of Bishops, called him up to Court, no doubt by the instigation of the aspiring Prelats: But he was never suffered to return back again to his own native Countrey, lest his presence should be an impediment to their designs. Of his many employments in Kirk affairs, ye may read in the preceeding storie.

Upon the fourth of *March*, the Ministers were commanded by Proclamation, with sound of trumpet at the Crosse of *Edinburgh*, to prepare the people for the Lords supper, and to minister it to them upon Easter day the 24. of *April*. The people likewise were charged to communicate that day, at their own Parish Kirks. The pretence of the charge was the trial of Popish recusants. But the wiser sort of professors took it for a trial, how people would bear with alterations and innovations. The most part obeyed, howbeit there were Acts of the General Assembly standing in force against it.

Some things the Bishops behoved to do against Papists, lest they should seem to be advanced only to persecute Ministers. *Mr John Ogilvie* Jesuit was apprehended in *Glasgow*, about the beginning of *October*, by *Mr John Spotswood* Bishop of *Glasgow*. He had seduced sundrie young men, and of the better sort of the people, and said Masse in sundrie places within the Town. About the beginning of *November*, the Bishop of *St Andrews* his sonne *Mr Alexander Gladstones* apprehended *Moffet* a masse Priest at *St Andrews*, who was presented before the Lords of the Secret Council, upon the 10. of *December*, and was warded in the Castle of *Edinburgh*. *Ogilvie* was likewise brought to *Edinburgh*, and examined by the Bishop and some of the Lords of the Secret Council. He was holden waking night and day, that his braines being light, they might draw out Secrets of him. But what they learned that way, came not to the knowledge of the people.

Upon the last of *Februar*, *Ogilvie* the jesuit, one of the house of *Drummure*, was arraigned and pannelled before the Provest and Bailiffs of *Glasgow*, the Kings judges in that part. At his examination before some of the Council and the Bishop, being asked, whether the King being Excommunicat by the Pope, the Pope might depose him, and loose his subjects from the oath of alledgeance, answered, and subscribed his answer with his hand, that he thought the King and his Council no competent Judges to him in that matter: And therefore would not directly answer to them touching that point, but before the Pope his ordinary Judge, and his Substituts. Yet had he small courage when he came to the scaffold, where he died heartless and comfortless, and would not commend himself to God at the Ministers desire, till the hangman desired him. What were the motives that moved them to put to

1613.

1614.
Mr James
Melvins
death.

Easter
communi-
on com-
manded.

Ogilvie &
Moffet ex-
amined.

1615.
Ogilvie the
Jesuit hang-
ed.

1615.

Easter
Communi-
on enjoined.

Mr George
Gladstones
death.

Mr I. Spots-
wood in-
augurat Bi-
shop of St
Andrews.

M I. Mal-
colme sum-
moned be-
fore the
high Com-
mission.

Mr James
Law in au-
gurat Bi-
shop of
Glasgow.

death this Iesuit, I understand not: Some deemed one motive; some another.

A charge was proclaimed at the crosse of *Edinburgh* with sound of trumpet, 15. dayes before Easter, to celebrat the Communion at Easter, in all times coming. The Ministers of *Edinburgh* had ministred the communion this year, a little before Candlemas.

Mr George Gladstones, Bishop of *St Andrews*, departed this life in the Castle of *St Andrews*, on the Second of May. At the desire of his Wife and Children, he subscribed some few lines, wherein he approved the present Course, to procure to them the Kings favour. We have heard of his strange disease, and senseless end in general; but I have not learned certainly the particulars. He was buried upon the 7. of June in *St Andrews*. A Cannopie of black velvet was born up by four men, above the emptie Coffin: For his Corps was buried before. *Mr VVilliam Couper* made the funeral Sermon, full of vile flattery and lies, for which he was derided by the people.

Mr John Spotswood, Bishop of *Glasgow*, returned from Court, the tenth of June, and went to *Glasgow*, seeming altogether ignorant who had obtained the gift of the Bishoprick of *St Andrews*, till one of his servants, attending in *Edinburgh* upon the Kings patent, sent to him advertisement to come in haste to *Edinburgh*. When he came, he seemed to be discontent, as desirous to stay still at *Glasgow*: But in the mean time his gift passeth the Seales. Upon the third of August, he made his progresse to *Saint Andrews*. Many Noblemen and Gentlemen met him, and accompanied him. He preached upon the fifth of August before noon. The day following, that is, the Lords day *Mr VVilliam Couper*, Bishop of *Galloway*, preached, and *Mr Spotswood* was inaugurat Bishop of *St Andrews*. Many Bishops, specially of his suffraganes, were present.

Upon Tuesday the eight of August, the new Bishop held a Court of *High Commission*. *Mr John Malcolme* Minister at *Perth*, a grave, godly and learned man, was cited to compear before them, for his Epistle dedicatorie prefixed to his Commentarie upon the Acts of the Apostles, wherewith, as they alledged, the King himself was also offended. They found fault with two points in it. One, wherein he requested the King to recal the banished Ministers, alledging they were more faithful Subjects to his Maj. then those who had received great benefices at his hand. Another, wherein he regrated the Corruption, brought into the Kirk, by unlearned and unsanctified men. *Mr John*, well accompanied with his Parishoners, compeared, explained his meaning, which was put in writ. He was desired to subscribe it, that his Maj. might be satisfied; which he did: And the Declaration was sent to the King.

In the beginning of September, *Mr Iames Law*, Bishop of *Orknay*, was inaugurat Bishop of *Glasgow*. *Mr George Graham*, Bishop of *Dumblane*, was appointed in October following to succeed in the Sea of *Orknay*. *Mr Adam Bannatine* Minister at *Falkland*, and sometime a vehement opposit against Bishops, succeeded to *Mr George* in the Bishoprick of *Dumblane*. He had said before, that *Mr George Graham* the Undoer of Bishops, had gotten the Bishoprick of *Dumblane* the Excrement of Bishopricks. Now he is not ashamed to lick up his excrements, and to

accept

accept that mean Bishoprick, to patch up his broken Lairdship of Kin-
nober.

1615.

Upon the 26. of November, the Archbishops of *S. Andrews* and *Glasgow*, after Sermon made by *Mr William Couper*, Bishop of *Galloway*, gave their Oaths of Alledgeance, renouncing all forreign Authoritie, Temporal or Ecclesiastical, and of Homage for their Archbishopsricks, upon their knees, holding up their hands to the Lord, who was then Commissioner for the King, and sitting under a cannopie of velvet in the Royal Chappel, in the presence of sundrie Noblemen, many Lords of Council and Session, and many other Spectators.

The Arch-
bishops
give ho-
mage.

The Courts of the High Commission were united in December, in forme & manner following.

JAMES REX.

Our Sovereigne Lord ordaineth a Letter to be made under his *Highbnes* great Seal, in due form, making mention, that for sameekle as it hath been heavily complained to his *Maj.* in the behalf of the ministry of the Kingdom of *Scotland*, of the frequent Advocations, made by the Lords of Council of the same Kingdom, against such as are either erroneous in Religion, or scandalous in Life; whereby they are not only discouraged from censuring of Vice, but the offenders so much the more emboldened to continue in their wickedness, using their Advocation as a mean and delay, both to disappoint trial and punishment, knowing that many of the Ministry, in regard of the meanness of their provision, are unable to attend, and prosecute the diet of such processe, the matter contravened being also improper to the Council to cognosce upon. For eschewing of the which Inconveniences, and that the number of true Professors may be known to increase, the Antichristian Enemie and his growth suppressed, all kind of vice and scandalous life punished, and that no cover of iniquitie, nor delay of trial and punishment of the Offenders be left, by this subterfuge of discharging the Ecclesiastical censure to proceed in things, so meer proper for them, or being otherwise of a mixt nature in regard of the danger, and sequel of Law by reason of the offence committed: Which in this case can no wayes be so well supplied, as by the particular choise of some of the Nobilitie, Clergie, other Laicks and Ministers, being well affected in Religion; zealous in the cause of God, and desirous to have all vice and sinne punished, and the increase & growth of the Enemie stayed. And because the citation of the foresaid persons is oftentimes protracted or delayed, by absence of any of our two Archbishops of *Scotland*, either by sickness, or for other reasonable causes; so that by the absence of our Archbishop of *St Andrews*, the scandalous persons, within the Province and Diocie of *St Andrews*, cannot be cited to compear before our Archbishop of *St Andrews* as their Ordinar: And by the absence of our Archbishop of *Glasgow*, the Offenders, within the Province and Diocie of *Glasgow*, cannot be cited to compear before our Archbishop of *Glasgow*; so that the scandalous persons, at the least the most part, escape all punishment. Therefore for remedie hereof, out of his dutie towards God, and love to his Kirk, being the Nurse-father of the same upon the earth, within his *Majest.* Dominions, and grieving that either Hereticks, Schismaticks or Scandalous Livers, should finde any subterfuge, colour, or escape the old ordinarie course from the Ecclesiastical punishment, appointed by his *Hign.* Lawes, against Offenders in

The unit-
ing of the
Courts of
high Com-
mission.

1615.

such cases, hath Given, Granted, and Committed, & by the tenor hereof, Gives, Grants, Commits full Power and Commission to the most reverend Fathers in God, and his *Highness* right trustee and welbeloved Counsellors, *John* Archbishop of *St Andrews*, *Primat* and *Metropolitan* of *Scotland*, and *James* Bishop of *Glasgow*, conjunctly and severally, and *Alexander* Earle of *Dumfermline* Chancellour of our Kingdom of *Scotland*, *John* Earle of *Marr*, *George* Earle *Merschal*, *John* Earle of *Montrose*, *Peter* Bishop of *Aberdeen*, *Alexander* Bishop of *Murray*, *William* Bishop of *Galloway*, *Patrick* Bishop of *Ross*, *Andrew* Bishop of *Brechin*, *Alexander* Bishop of *Cathness*, *Adam* Bishop of *Dumblane*, *Andrew* Bishop of *Argile*, and *George* Bishop of *Orkney*, the Lord *Binning* Secretar of our Realme of *Scotland*

Lord *Lindsay*, *William* Lord *Sanguhair*

Lord *Forbes*, *Walter* Lord *Blantire*, *Sir Richard* *Cockburne* of *Clerkingtoun* Lord *Privie-seal*, *Sir Alexander* *Hay* of *Whitburgh* Clerk of *Regitter*, *Sir William* *Olipphant* of *Newtoun* Knight our *Advocat*, *Sir Gedon* *Murray* of *Elie-bank* Knight our *Treasurer* Depute, *Sir David* *Carnegie* of *Kinnard* Knight, *Sir William* *Levingstoun* of *Kilsyth* Knight; *Mrs Patrick* *Galloway*, *John* *Hall*, *Peter* *Hewat*, *Andrew* *Ramsay* Ministers at our Burgh of *Edinburgh*, *Mr John* *Ramsay* Minister at *Mr John* *Hay* Parson at *Ranfreew*, *Mr William* *Birnie* Minister at *Air*, *Mr John* *Abernethie* Minister at *Jedburgh*, *Mr Edward* *Hepburn* Minister at *Prestoun*, *Mr John* *Mitchellson* Minister at *Bruntland*, *Mr Theodor* *Hay* Parson of *Peebles*, *Mr Thomas* *Henrison* and *Mr John* *Arthure* Commissars of *Edinburgh*, *Mr John* *Veemes* Commissar of *St Andrews*, *Mr William* *Hay* Commissar of *Glasgow*; or any five of them, the saids Archbishop of *St Andrews* and *Glasgow*, or any one of them, being of the number of the foresaids, to summon or call before them, at such time and places, as they shall think most meet, all Person or Persons, dwelling within our Countrey of *Scotland*, and within the Provinces of *St Andrews* and *Glasgow*, and Diocies of the samine, being offenders either in Life, or Religion, whom they finde any wayes to be scandalous; and specially refetters and intercommuners with *Jesuits*, seminary and masse Priests, or Excommunicat *Papists*, Sayers and Hearers of Masse, Recusants, and not Communicants, Incestuous and Adulterous Persons; and that they take trial of the samine: And if they finde them guiltie and impenitent, refusing to acknowledge their offence, they shall give direction & command to the Preacher or Minister of that Parish, where they dwell, to proceed with the sentenc of Excommunication against them, which sentence, if it be protracted or delayed, and their command by that Minister be not presently obeyed, they shall then convene any such Minister before them, & proceed in censuring him for his disobedience, either by Suspension, or Deprivation, or Otherwise, according as in their discretion they shall hold his Obstinacie, and refusal of their Directions, to have deserved. And farther, to Fine at their discretions, Imprison, or Ward any such Persons, whom, being conveyened before them, they shall finde upon trial, for contumacie, or their non-compearance, to have deserved such punishments for the said crimes: And a warrant under the hand of any five abovenamed, any one of the said Archbishops being alwayes one of them, shall serve for a sufficient Command to the Captains & Constables of his *Highness* Wards & Castles, & to all Keepers and Jaylors of all Prisons or Wards,

either

either within Burgh or Land, within any part of the said Countrey, for receiving and detaining of such Persons, as shall be directed unto them, to be kept by them in such form, as by the said warrants shall be prescribed, as the said offenders will answer to the contrarie upon their peril. And of all such fines, as shall be imposed upon any offender, the one half to appertain to his Maj. and his *Hightness* Treasurer; another half to be employed upon such necessary Charges, as the said Commissioners shall be forced unto, by charging all Papists, and witnesses to compare before them, and the superplus to be bestowed, at the sight of the said Commissioners, *ad pios usus*. And that the said Letters be extended in the best form with all clauses needful, and with command therein to the Lord of his *Hightness* Privie Council of Scotland, upon the sight of any certificat, subscribed by any five of the said Commissioners, the said Archbishops being alwayes two of them, either of Fine imposed upon any Partie found guiltie, or of the Contumacie or refusal of any Partie to compare before them, to direct a summar Charge of warning upon ten dayes only, for payment of the Fines to be imposed upon them, and to direct his *Hightness* Letters and warrant for present denouncing of Persons, that are contumacious, for their contumacie and refusal to compare, being lawfully called to that effect. And that no Suspension nor Relaxation be granted, without a certificat under the Bishops hands, of the Partie charged his Obedience and Satisfaction. And in case of farther Disobedience of the Partie, who shall be charged for his fine of non-compearance, his *Maj.* then ordaineth his Lords of Council to prosecute the most strait order, as is used against any others his *Hightness* Rebels, for any other cause whatsoever: With power to the said Commissioners to proceed herein; and also to take trial of all Persons, that have made defection, or otherwise are suspected in Religion; & as they finde any just cause against them, to proceed in manner foresaid. Commanding also by thir presents the Captains and Lieutenants of his *Maj.* guards, Provests and Bailiffs of Burghes, where the said Commissioners shall sit, Sheriffs, and Bailiffs of Regalities, and all others his *Maj.* Officers, & Ministers of the lawes, to Search, Seek, Take & Apprehend all & sundrie Persons his *Maj.* Lieges, whom the said Commissioners shall think meet to be presented to their judgement and trial, upon a warrant subscribed by any five of the said Commissioners, any of the said Archbishops being alwayes one of them. And also whensoever they learn or understand of any Minister, Preachers or Teachers in Schooles, Colledges or Universities, or of exhorting and lecturing Readers within these bounds, teaching or speaking against the present established Order of the Kirk or Estate, against any of the Conclusions of the by past General Assemblie holden at *Glasgow*, or the Acts of Parliament, and specially the Act of Parliament holden at *Edinburgh* in *October* 1612. years: And therefore after calling before the said Commissioners, they shall be questioned upon the points of that which is laid against them, and punished according to the qualitie of their offence. And whereas complaints shall be made unto them by any Partie, that shall be conveyed before any Ecclesiastical Judicatorie, for any such crime, as he shall be suspected of, and the Partie alledge there, that the matter it self is impertinent to that Judicature, and the proceedings to be, and to have been unformal; or that the Judicature it self hath been partial: And when the said Commissioners shall see a just cause, they shall take like as it shall be leesome to what-

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somever Person or Persons, to Appeal to the said Commissioners from any inferior Ecclesiastical judge, upon any reasonable cause. Then and in that case, the said Commissioners to take Cognition therein, the case of Appellation being found reasonable: With power also to the said Commissioners, to make choise of the Clerk, Procurator fiscal, and other members of Court; and to direct precepts in name of the said Archbishops and their Associates, for their citation of any parties before them, within the bounds of the said Countrey, in any of the causes or cases abovenamed. Which precepts shall be sealed with a special Seal, containing the Armes of the said two Archbishops. And these presents shall be a sufficient warrant, both for making, and using the said Seal; and to charge witnesses to compear before them, under the pain of fourtie pounds usual money of this our Realme of Scotland: And upon a certificat from the said Commissioners, that any of the said penalties are incurred by their Contumacie, the said Lords of Council shall direct the like Charges for payment of the same, as is appointed for the Fines. *Attour*, Our said Sovereign Lord by the tenor hereof dischargeth the Lords of his *Hightness* Council and Session of all advocating to themselves, from our Ecclesiastical Judicatories, any of the matters of the qualities abovementioned; but that they referre the same to the decision of the said Commissioners. And generally to do all and whatsoever things, the said Commissioners shall hold fit and convenient for his *Hightness* service herein, according to the intent and purpose of his *Maj.* Commission. Charging likewise, and commanding all and sundrie his *Hightness* Lieges and Subjects, whom it effeirs, to answer readily, and obey the said Commissioners, or any Five of them, any of the said Archbishops being alwayes one of them, their Officers and Ministers, in all and sundrie things concerning the premisses, under all highest pain and charge that after may follow: And ordains our great Seal to be appended to the same; whereunto these presents shall be a sufficient warrant. Given at *Ryestoun* the 21. of *December*, the year of God 1615. years, and of our reigne fourtie nine, and thirteen years.

A. Chanc. Binning.
S. I. Murray. Alexander Hay.

The tyrannie of the Bishops in the high Commission.

Seeing the Court of High Commission was the strongest hold the Bishops had, they thought good to make it stronger by uniting the two Courts into one, at the renewing of the Commission, occasioned by the death of the last Archbishop. In this court they maintain their usurped Authoritie, over-rule Ecclesiastical Judicatories, put in execution the Acts of the Assemblies, over-ruled by themselves; knowing very well, that they will not get concurrence in Presbyteries or Synods, the ordinary Judicatories of the Kirk, to Suspend or Deprive Ministers, for not conformitie or obedience to these Acts. So the Acts of unlawful Assemblies are violently obtruded upon the Kirk by a Judicatorie, which is not a Kirk-Judicatorie; and the Bishops over-rule the Kirk by a power never given them by the Kirk. Here it is to be observed, that *Mr John Spotswood* and *Mr James Law*, both sometime Ministers within the Presbytery of *Linlithgow*, two prettie foot-ball men, are now the only two Archbishops in Scotland; and have now, as we use to say, the ball at their foot. They were both near the point of Suspension in the purer times, for the profanation of the Sabbath, now they have power to Suspend, Deprive,

Impri-

Imprison, Fine, or Confine any Minister in Scotland. Out of preposterous pitie they were spared then; but now they spare not the best, and the most blameless.

Upon the 12. of *June*, the Marquess of *Huntlie* compeared before the High Commission, but refused to subscribe the Confession of Faith, or to give any kinde of Satisfaction: Whereupon he was committed to ward in the Castle of *Edinburgh*. But was set at libertie within two or three dayes after, by a warrant from the King to come to Court. The Bishops seemed to be discontent: Because the power of the High Commission was vilipended, as they alledged; and informed the King. The King, in a Letter sent to Mr *John Spotswood* of *St Andrews*, approved the proceeding of the High Commission against the Marquess, and declared that he had directed a Letter to the Marquess, to come to Court, before he had received his Letter: And therefore commanded, that he should be detained still in Ward. But the Marquess was upon his journey already. Upon the Lords day the seventh of *July*, Mr *William Couper* Bishop of *Galloway*, in his Sermon in the great Kirk of *Edinburgh*, extolled the Kings fatherly care and gracious behaviour toward the Kirk; and made mention of his Letter sent to the Council, wherein he shewed, that he would not suffer the Marquess to come neer him; but had directed him to return to his Ward. The Bishop inveighed against the Chancellour, for the favour he carried to Papists, specially to *Huntlie*. Upon the eight of *July*, in the packat of Letters, that came from Court, mention was made, that the Marquess of *Huntlie* was received in the bosome of the Kirk of *England*, notwithstanding of his Excommunication in *Scotland*: Whereat our Bishops seemed to storme, alledging it was an usurpation of an old pretended power. Upon the 14. of *July*, *Spotswood* Bishop of *St Andrews*, preaching before noon in the great Kirk of *Edinburgh*, alledged, that the King had provided, that the like should not fall out hereafter: Yet, said he, it behoved the Bishops and the Ministers to be born with, to utter their grief, when Papists are so countenanced, not only in the North, but in the heart of the Countrey. All this Business about *Huntlie*, and other two or three Papists in the North, was made for a pretended necessitie of a General Assemblie, to be holden in *Aberdeen*. The Bishops gave-out, that the increase and growth of Popery, in the North, was like to produce dangerous effects to the estate both of Kirk and Countrey, and that it had already produced dangerous effects in the North. They were sure to procure the consent of many Ministers in the North to their devices. And therefore an Assemblie was to be holden at *Aberdeen*, to suppress Popery in these quarters, as was pretended.

Mr *Peter Bleckburne*, Bishop of *Aberdeen*, departed this life about the beginning of *July*, after he had lyen a long time little better then benumbed. He was more careful of a purse with Five hundreth merks in it, which he keepest in his bosome, then of any thing else.

Upon the 19. of *July*, Mr *Walter Balcanquell*, one of the Ministers of *Edinburgh*, after he had taught more then a quarter of an hour, was hindered to speak distinctly, by the falling down of his teeth upon his tongue: And therefore was forced to end. Before he pronounced the blessing, he had these words, *Beloved in the Lord, ye see the impediment I have in my speech, cometh of my teeth, which are loose. I am weake, and cannot end my Sermon, as I thought to have done. I beseech you all for*

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Much Business about
Huntlie.M. P.
Bleckburne's
death.Mr *Walter*
Balcanquell's
death.*Christs*

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Christs sake, to pray for me. It may be I never come to this place again. Therefore I take you all to witneſſ, that whenſoever the Lord ſhall call me out of this life, that I die in the faith and fear of God. And I proteſt before God and you all, that I die in the profeſſion of that true Doctrine and Diſcipline, which hath been avowed and maintained in this our reformed Kirk in time paſt. For Christs ſake ſtick to this truth. The curſe of God, I am aſſured, hangeth above all them that are of a contrarie Religion. Then he pronounced the bleſſing, and was carried home. He ended his dayes about the fourth of Auguſt, after he had ſpent fourtie years in the courſe of his Miniſtery, and was buried upon the fifth of Auguſt.

The General Aſſembly indicted.

Upon 22. of July the General Aſſembly was indicted by publick Proclamation at the croſſe of *Edinburgh*, to beholden at *Aberdeen*, and to begin the 13. of Auguſt. All and ſundrie Archbishops, Biſhops, Commiſſioners from the Kirks, and others having Vote in the Aſſembly, are warned to repair, in due and lawful time, to Aſſiſt the ſaid Aſſembly and Meeting, with their preſence and Votes, & to do and perform that, which to their charges in ſuch caſes appertaineth, as they will answer upon the contrarie peril. The cauſes of appointing this Aſſembly, alledged in the narrative, are, that the Prelats and reverend Fathers of the Kirk, foreſeeing that there is a great decay in Religion, and growth and increaſe of Popery; and that the ſame is like to produce many dangerous effects, againſt the ſtates both in Kirk and Policie; and having gravely adviſed upon the beſt and readieſt means, both for preventing, and ſuppreſſing of this growth of Popery, & for the reforming of Diſorders and Abuses, flowing therefrom, have found that nothing is more expedient for the eſſeuating of this good work, then a National Aſſembly and Meeting of the whole Kirk. The Biſhops directed their Miſſives to the Presbyteries, wherein they willed them to ſend their Moderators with other Commiſſioners, & to furniſh them with expenſes, under the pain of loſs of the Aſſignation of their ſtipends for the next year. They excuſed themſelves for the ſudden warning, alledging they could give no warning, till they had received a warrant from his Maj. as if they had been altogether ignorant of the matters to be treated, and had not been acquaint with the appointment of this Aſſembly. They were running forſooth poſt haſte to the North, to extinguiſh a Fire broken up ſuddenly, which would ſet all the Kirks on Fire, if remedie were not provided in time. But the truth is, they underſtood very well, that manieſt of their oppoſits were in the South, and in the heart of the Countrey; and manieſt of their favourers in the North.

Doctors inaugurat.

Upon the 29. of July, Mr Robert Howie, Mr Peter Bruce, Mr James Martine, Principals of the three Colledges of *St Andrews*; Mr Patrick Melvine, Mr John Strang, Mr Theodor Hay, and Mr David Barclay, were inaugurat Doctors at *St Andrews*. This novelty was brought-in among us, without advice and conſent of the Kirk. Doctor Young was the chief Director of the action.

The General Aſſembly holden at Aberdeen.

The General Aſſembly, holden at *Aberdeen*, began the 13. of Auguſt. A faſt was indicted, by Proclamation & ſound of trumpet, to be kept this day: Patrick Forbes Laird of *Corſe* taught in the morning; the Biſhop of *St Andrews* before noon; Mr William Forbes afternoon. The King ordained by his Letter, the Primat to rule the Clergie, and his Commiſſioner the Earle of Montroſe to rule the Laitie, and deſired the

Aſſem-

Assembly to advise upon certain Overtures for the rooting out of Popery, which he promised to Authorize by his Lawes. So the *Primat* stepped into the Moderators place without election, against the Practice, & Act of our Kirk, not yet repealed by Act of any Assembly. Secretar *Hammiltoun* and the Lord *Carnegie* were appointed by the King to Assist the Earle of *Montrose*. The Catalogue of the Presbyteries was not called; nor Commissioners considered, whether free or limited. A number of Lords and Barones sat there, with their silks and sattins, but had not lawful Commission to Vote. Bishops had no Commissions from Presbyteries, as they ought to have had, according to the practice of our Kirk. The Moderators of Presbyteries came according to Bishops Missives, and a forged clause of an Act, made at a pretended Assembly holden at *Linlithgow* the year 1606. which concerned the constant Moderators, and not the Moderators of the new stamp, who were the Bishop substitutes. All the Bishops and Lords of Council, that were present, together with the Kings Commissioners, and fifteen other Lords and Barones with twenty Ministers, or thereby, were appointed to sit upon the Privie Conference. The first four dayes were spent in Preaching, renewing old Acts, and making some new against Papists, as if no Acts had been made against Papists before at Assemblies, or Parliaments. But thus would they protract the time, the Ministers being wearied might withdraw themselves, specially those that came from the far South; and then they might treat of the matters chiefly aimed at.

I have here subjoined the Proceedings and Acts of this Assembly, as they are extant in the Clerk's scrolles.

Acta Sessione secunda, decimo quarto Augusti Anno 1616.

For samee ke as the most urgent causes of the Convocation of this present Assembly, is to obviate the great increase of Papistrie within this Realme, and to try out the just causes thereof, to the effect that sufficient remedies may be provided for repressing of the same, in all time coming; and that it is found by the whole Assembly, that a great part of the cause of the said increase relieth, partly upon the slackness of the Ministry in their Holy Profession, and partly upon the not executing of the Lawes, as well Civil as Ecclesiasticall, against such Persons as either were Excommunicat themselves, and openly contemned the Censure; or who Intertained, Refet, and Maintained those who were Excommunicat, or who were Traffickers against the true Religion, presently professed within this Realme. For remedie whereof, the whole Assembly in one voice hath statute and ordained in manner following.

In the first place, for the better trial & discerning of Apostats, it is statute and ordained, that whosoever hath confessed the true Religion, presently professed within this Realme, and hath subscribed the same, and hath received the Holy Sacrament of the Supper of the Lord, and Communicat conform to the order observed within this Realme; if at any time hereafter he or she be found, either to Reason against the said true Religion, presently professed within this Realme, or any Article or Heed thereof, or to Rail against the same, or else directly or indirectly to be a Seducer or Pervertter of others from the truth presently professed, as said is; or if he or she be found to refet or intertain any Trafficking Papists, jesuits or Seminarie Priests: Any of the said facts or deeds shall be a sufficient signe

1616. of Apostacie, and the so doers shall be repute, holden, and punished as Apostats.

And Because the Probation, in the said cases, is difficil and almost impossible, in respect the said deeds are committed covertly, and wherein probation can hardly be deduced. Therefore it is statute, that in case other probation cannot be had, that it shall be lawful to prove the same by the oath of the Partie alledged Committer of the said facts, and deeds; and that it shall not be leesome to him to refuse to give his oath, in the said matters, upon whatsoever colour or pretence of Criminal action, or others following thereupon; and to this effect that a Supplication be directed to his *Maj.* that it might please his *Highness*, to set down an Ordinance for ratification of the former Statute, to the effect it may be received in all Judicatories.

Item, It is statute, if any Person or Persons, who have conformed themselves to the true Religion, presently professed within this Realme, and have subscribed the Confession of the faith, and received the Communion, if at any time hereafter he or they do not haunt the Ordinar Exercise of Religion, being admonished by the Pastor *trina admonitione*, the same being proven, shall be a cause to punish them, as holden and reputed Apostats.

Item, It is statute and ordained, that whosoever weareth or beareth upon their Person, Idols, Images, *Agnus Dei*, Beeds, Crosses or Crucifixes, either upon their Persons, or in their Books, or in their Houses, they being tried and convicted thereof, the said having or wearing of the said idols, and others saids, shall be a cause of an Apostasie, and they shall be holden and repute as Apostats. This part was crossed through, and the Archbishop wrote on the margin, as followeth, I would have this Act so formed, and extracted. *Item*, If any Person, known of before time to have been a Papist, and after his reconciling to the Kirk, shall be tried to wear *Agnus Dei*, Beeds, Crucifixes on their Persons, or to have in their houses Idols and Images, such as before they have superstitiously used, the same shall inferre against the said Person just suspicion of Apostasie, and falling back in the said errors.

Item, It is statute and ordained in all time hereafter, whensoever any Minister shall receive any Papist, returning from his errors to the bosome of the Kirk, that at the time of his receiving, the Minister shall first take his oath solemnly sworn, that he shall declare the veritie of his Faith & Belief, in every particular Point and Article, contained in the Confession of Faith, which shall be asked at him; and that immediarly thereafter, the said Minister shall examine him Particularly upon every heed contained in the Confession of Faith, and receive his Particular answers thereupon Affirmative, conform to the same: Otherwise that he shall not be received.

Item, It is statute anent the Wives of Noblemen and others, who reset Trafficking Papists, Jesuits, and seminarie Priests, as if the same were done against the will and knowledge of the Husbands, that all such Women shall be called, and conveened for the said reset and intertainment, and they being convicted therefore, that they shall be warded, aye & while they find sufficient caution to obtain from the like reset or intertainment, in any time coming, under a certain pain; without prejudice of any action that may be competent against their Husbands, conform to the Lawes of this Realme.

Item

Item, Because the special cause of increase of Papistrie proceedeth from the not putting to execution of the Statuts and Acts of Parliament, made against Trafficking Papists, Jesuits, and seminarie Priests; that therefore a Supplication be directed to his *Maj.* that it would please his *Highnes* to take such order, that the lovable Lawes, and Acts of Parliament, made by his *Maj.* in times by past against Papists, Jesuits and seminarie Priests, may be put in execution, in all time coming, with all severitie.

It is ordained, that the whole names of Papists recusants, within this Realme, be given-in by the Commissioners of this present Assembly, to the Clerk, to be delivered by him to the Archbishops of *St Andrews* and *Glasgow*, conform to their severall Provinces, to the effect they may be called and conveyed before them in the *High Commission*, and punished as accordeth, without prejudice alwayes of other Ecclesiastical Censure, and Discipline of the Kirk, statuted against them before.

Item, It is ordained, that every one of the Ministry give up the names of such of their Parish, as have past forth of the Countrey, and not bound Caution for their behaviour, and sincere Profession of the Religion, forth of the samine, conform to the Act of Parliament, to the effect they may be called, conveyed, and punished conform to the said act.

Item, It is ordained, that the whole names of the Persons Excommunicat, which shall be given-up by the Commissioners, be delivered up to the Bishop of every Diocie, who shall deliver a Catalogue of names, to every Minister within his Diocie, ordaining every Minister to make publick intimation thereof, at every one of their Parish Kirks, upon Sunday, in time of Divine service, that no man pretend ignorance of the same, charging and inhibiting every one of their Parish, that they neither reset the said Excommunicats, nor intercommune with them; certifying them, if they do in the contrair, they shall be called and conveyed as resetters of Trafficking Papists, or Excommunicat Persons, and punished for the same.

Item, That in the houses of Noblemen, Barones, Gentlemen and Burgeses, there be Ordinarie Exercise of reading a Chapter, and Prayer for the Kings *Maj.* and his Children, after every meal. The Archbishop margined this part after this form. Let this be extracted in these words.

Item, the Assembly recommends to the care of the Noblemen, Gentlemen and Burgeses, that there be ordinarie &c.

Decimo quinto Augusti.

Item, Because there are found Pamphlets and books full of Calumnies, quietly set forth, and spread within this Countrey by the Papists, & enemies of true Religion. Therefore the Assembly hath ordained, that *Mr William Scot* Minister at *Couper*, and *Mr William Struther's* Minister at *Edinburgh*, shall make answer to the said Books and Pamphlets, to the effect that thereby the people may be instructed, how to beware of the samine, and the said errours and calumnies may be refuted.

Item, Because we are certainly informed, that certain women take upon them to bring up the youth, in reading and sowing, and other Exercises in Schooles; under pretext and colour whereof, Trafficking Papists, Jesuits, and Seminarie Priests have their appointed times of meeting: At

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which times they Catechize and pervert the youth, in their young & tender age, in such sort that hardlie thereafter by great pains and travel can they be brought from their errors to the acknowledging of the truth, presently professed within this Realme. It is therefore statute and ordained, that it shall not be leesome to whatsomover Person or Persons, to hold any Schooles for teaching of the youth, & to teach them therein, except first they be tried by the Bishop of the Diocies and the Presbyteries, where they dwell, and have their approbation to the effect foresaid. The Archbishop margineth upon the last words, after this manner: Except first they have the Approbation of the Bishop of the Diocie, and be first tried by the Minister of the Exercise, where they dwell &c.

Item, Because there was a great abuse in people, passing to Pilgrimages, to Wells, Trees, and old Chappels; as likewise in setting up of bonfires. Therefore it is ordained, that the Brethren of the Ministry be diligent in teaching of the people, and preaching against such Abuses and Superstition, to the effect they may be recalled from the said errors. As likewise that the Ministry take diligent trial of the names of those, who haunt the said pilgrimages, and to delate the same to the Archbishops of *St. Andrews* and *Glasgow*, every one within their own Provinces, to the effect they may be called before the *High Commission*, and punished for the same. It is likewise ordained, that their names be delivered to the Justices of Peace, with the places of their Pilgrimages, and dayes of their meeting; and that they be requested and desired to attend upon the said dayes of their meetings, and to disturb & divert them therefrom, by apprehending and punishing them.

Item, It is ordained, that every Minister give up the names of idle Songsters within their Parish, to the Justice of Peace, that they may be called and conveyened before them, and punished as idle vagabonds, conform to the Acts of Parliament, & power given to the said Justices of peace thereanent.

Item, Because it is found, that diverse of the said Jesuits, Trafficking Papists and seminarie Priests go about, under the colour and pretext of Doctors of Physick, and Apothecars, deceiving and perverting the people, drawing them from the true Religion professed within this Countrey. Therefore a Supplication would be directed to his *Maj.* that it would please his goodness to statute and ordain, that none hereafter be suffered to exerce and use the Office of a Doctor of Physick, or Apothecar, while first he have Approbation from the Bishop of the Diocie, where he maketh his residence, of his Conformitie in Religion, as likewise from the Universitie, where he learned and studied, of his qualification and sufficiencie in the said art.

The whilk day compeared in presence of the Assembly *John Gordoun* of *Buckie*, and in the name, and at the direction of a Noble and Potent Lord *George* Marquess of *Huntlie*, presented a petition, directed by the said *George* Marquess of *Huntlie*, to the said Assembly, subscribed with his hand, desiring an answer of the same to be given by the Assembly. As likewise was produced by

a Letter directed from the Archbishop of *Canterberrie*, together with an other Letter from the Kings *Maj.* concerning the Absolution of the said Lord, Marquess from the sentence of Excommunication, made by the said Archbishop of *Canterberrie*, & ordained to be registred in the Acts of the General Assembly *ad perpetuam rei memoriam*. With the which

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the Assembly, being ripely advised, hath thought it most expedient, that the said *Marquess* compear in presence of the whole Assembly, there to testifie his Conformitie in the points of Religion, & Resolution to abide thereat; and so to be absolved from the sentence of Excommunication, pronounced against him; And therefore ordains the said *John Gordoun of Buckie*, to advertise the said *Lord Marquess*, that he compear before the Assembly, upon wednesday next to come, the 21. of *August* instant, to the effect foresaid: And for the better furtherance hereof. the Assembly hath desired the Lord Commissioner, and Lord Archbishop Moderator, to write their Letters to the said Lord Marquess, for the cause foresaid.

Decimo sexto Augusti. 1616.

The said day, the Lord Commissioner for his *Maj.* produced certain Instructions, directed by his *Maj.* to the said Lord Commissioner, to be proponed to this present Assembly, anent the Provision of a remedie for the defection and falling away of many from the truth, whereof the tenor followeth.

Instructions to the right trustie and our beloved Cousine and Counsellour the Earle of Montrose.

Here are to be insert the Instructions.

Which being read in audience of the whole Assembly, they gave most humble thanks to his *Maj.* for the great care and solicitude his *Maj.* alwayes took, for the advancement of the Glorie of God, and Profession of the true Religion within this his Realme, and Holding down and suppressing of Papistrise and Superstition within the same: And as to the said Instructions, the Brethren were ordained to advise therewith till tomorrow.

Decimo septimo Augusti.

Anent the said Instructions, directed from the Kings *Maj.* to this Assembly, the said Assembly, being ripely advised therewith, hath statute and ordained, as followeth.

In the *first*, concerning the causes of the defection and falling away of many from the true Religion in this Kingdome, and the remedies thereof, the Assembly hath set them down in the Articles, made before in this present Convention: And therefore most humbly desireth his *Maj.* to confirm and allow them; and make them receive execution.

Item, Because the lack of competent maintenance to the Ministers, is the chief cause of the evil, which lyeth upon this Kirk, which for the most part proceedeth from dilapidation of benefices; to the effect therefore, that the progresse of that mischief may be stayed, and some means devised to recover that, which by iniquitie of time hath been losed; the Assembly remitterh the trial, cognition, and whole disposition of this matter, to the Commissioners appointed from this Assembly, for the causes underwritten; and in the mean time inhibites, and discharges all Ministers, who are beneficed Persons, and others who are members of any Chapter, to set in Tack and Assedation any part of their Benefices, either

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in long, or short Tacks, to whatsoever Person or Persons; or as member of the Chapter, if they consent to any Tacks or Affedations set by others, while the said Commissioners had convened, and taken order anent dilapidation of Benefices, and form and manner of setting of Tacks, under the pain of Excommunication of the Persons, setters of the said Tacks, and consenters thereto; and Deprivation of them from their Benefices.

Item, Because the provision of learned, wise and peaceable men, to be Ministers at chief Burrow Townes in vacant places, such as *Edinburgh*, *Perth*, *Aberdeen*, *Bamfe*, and other places vacant, is a most effectual mean to root-out Poperie, and perpetuate the Profession of true Religion: It is therefore ordained, that the Burrow Townes be provided with the most learned, wise and peaceable men that may be had. And because the Commissioners for the Town of *Edinburgh* have no Commission from the said Town, anent the provision of Ministers to the vacant places in the said Kirk: Therefore the care thereof is remitted to the said Commissioners, to whom it shall be enjoined in their Commission, that they shall see the same performed. And as to *Perth*, the Assembly ordains my Lord Bishop of *Galloway* to deal with the Commissioner of the Town of *Perth*, for provision of that vacant place. And siclike ordaineth the Provost of *Aberdeen* to advise with the Councel, anent the planting of the said Kirk, to the effect, sufficient and qualified men may be nominat and provided to the said places, before the dissolving of this Assembly.

Item, Because a special care should be had of the places of Noblemen their residence, chiefly of such, who are thought to incline to Poperie, the Assembly statutes and ordaines, that the Lords Archbishops, & Bishops, with the advice of their Synods, take care that most learned & discreet Persons of the Ministry, be appointed to attend the said places, and be transported thereto; such as the Kirks of *Dumbennet*, *Northberwick*, *Cockburnspeth*, *Paisley* and such other places, where Noblemen make residence, chiefly those who are thought to incline to Poperie; and that they have a care of their maintenance, and sufficient provision: And if the same be small, that those that are appointed to attend at the said Kirk, carrie their livings and rents with them, while farther order be taken.

Item, for samee keele as one of the most special means, for staying of the increase of Poperie, and setting of the true Religion in the hearts of the people, is, that a special care may be taken in the trial of young Children, their Education, & how they are Catechised. Which, in time of the primitive Kirk, was most carefully attended, as one of the most effectual means, to cause young Children in their very tender years drink in the true knowledge of God, and his Religion: But is now altogether neglected, in respect of the great abuse, and error, which hath crept in in the Popish Kirk, upon the said ground, by building thereupon a Sacrament of Confirmation. Therefore to the intent, that all Errour and Superstition, which have been builded upon the said good ground, may be rescinded and taken away, and that the matter it self, being most necessarie for edification of the youth, may be restored to the own Integrity, it is statute and ordained, that the Archbishops and Bishops, in the Visitation of the Kirk, either by themselves, or where they cannot overtake the Business, the Minister of the Parish, make all young Children of six years of age be presented before them, to give the Confession of Faith, that so it may appear in what Religion they have been trained up. After that trial,

that

that the Minister of the Parish, every two or three years once at the least thereafter, re examine them, that after sufficient growth in knowledge, they may be admitted to the holy Communion. And it is desired, that a Supplication be directed to the Kings *Maj.* humbly craving, that it would please his *Highness* to enjoin a punishment upon such parties, as either do not present their Children, or shall be found negligent in their right instruction; and that they be called and convened therefore before the *High Commission*. After these words, *That so it may appear in what Religion they have been trained up*, the Archbishop addeth in the margin, and that they be recommended to God by solemn prayer at the time, for the increase of their knowledge, and continuance of his grace with them.

Item, It is statute, that the simple Confession of the Faith underwritten be universally received, throughout this whole Kingdom, to the which all hereafter shall be bound to swear, and set their hand; and in special all Persons, that bear Office in the Church, at their acceptance of any of the said Offices: And likewise Students & Schollars in Colledges, of the which Confession the tenor followeth.

Here is to be insert the Confession of faith.

Item, It is statute and ordained, that a Catechism be made, Easie, Short, & Compendious, for instructing the Common sort, in the Articles of Religion, which all families shall be subject to have, for the better information of their Children and Servants, who shall be holden to give account thereof, in their examination before the Communion. And for the better effectuating hereof, the Assembly hath ordained *Mrs Patrick Galloway*, and *John Hall* Ministers at *Edinburgh*, and *Mr John Adamson* Minister at *Libbertoun*, to form the said Catechism, and to have the same in readines, before the first day of *October* next-to-come, to the effect the same may be allowed, and printed with the Kings *Maj.* licence: the which Catechism being so printed, it is statute and ordained, that none other be hereafter printed within this Realme, nor used in families, for instruction & examination of their Children & Servants, nor of the people in time coming.

Item, It is statute and ordained, that an uniform order of Liturgie, or Divine Service, be set down to be read in all Kirks, on the Ordinarie dayes of prayer, and every Sabbath day before Sermon, to the end the Common people may be acquainted therewith, and by custom may learne to serve God rightly. And to this intent, the Assembly hath appointed the saids *Mr Patrick Galloway*, *Mr Peter Hewat*, *Mr John Adamsone*, and *Mr William Areskeen* Minister at _____ to revise the book of Common prayers, contained in the *Psalme book*, and to set down a Common form of Ordinarie Service, to be used at all times hereafter; which shall be used in time of Common prayers in all Kirks, where there is exercise of Common prayers: As likewise by the Minister before the Sermon, where there is no Reader.

Item, It is statute and ordained, that in all time hereafter, the Holy Communion be celebrated in all Kirks within this Realme, at the times following, *viz.* in Burrow Townes, the Communion shall be celebrat four times in the year, and twice in the year in Landwart Kirks; so that one of the times, as well in Burgh, as in Landwart, shall be at the terme of Easter yearly: And if any Person shall not Communicat once in the year, at any of the foresaid times, that it be humbly required of his *Maj.* that the

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penaltie of the Act of Parliament may be exacted of such Persons, with all rigour.

It is thought most necessarie and expedient, that there be an uniformitie of Church Discipline, throughout all the Kirks of this Kingdom; and to that effect it is ordained, that a book of Canons be made, and published in print, drawn forth of the books of the former Assemblies; and where the same is defective, that it be supplied by Canons of Councils and Ecclesiastical Conventions, in former times. The care whereof the Assembly by these presents committeth to the right Reverend *James* Archbishop of *Glasgow*, and *Mr William Struthers* Minister at *Edinburgh*, who shall put in form the said Ecclesiastical Canons, and present them to the Commissioners appointed by this Assembly, to whom power is given to Try, Examine & Allow the same: And after their Allowance and Approbation thereof, to Supplicat his *Maj.* that the same may be Ratified and Approven by his Royal Authoritie, with priviledge to put the same in print.

Item, It is statute and ordained, that for the help of the Posteritie, and to continue the light of the Gospel with the ages to come; the Divinitie Colledge founded in *St Andrews*, which should be the seminarie of the Kirk within this Realme, be maintained and upholden, and a special care taken thereof. And because the rent thereof is mean for the present, it is ordained, that for the provision of some students in Divinitie, every Diocie shall intertain two; or according to the quantitie of the Diocie, so many as the number may arise to twenty six in the whole, respect being had to the meanness of some Diocies, and greatness and power of others; so that the least Diocies in their contributions shall be helped and eased by the greater: Of the which number it is ordained, that the half at least be the Sonnes of poor Ministers, and be presented by the Bishop of the Diocies to the place.

Item, the Assembly ratifieth and approveth the former Act made in the Assemblie, holden at *Halyrudhouse* the tenth day of *November* 1602. anent the Sacrament of Baptism, that the same be not refused, if the Parent crave the same, he giving Confession of his Faith, upon any other particular pretence of delay to time of Preaching; with this extention and addition, that Baptism shall no way be denied to any infant, when either the Parents of the infant, or any Faithful Christian in place of the parent, shall require the same to the infant, and that the same be granted any time of day, without any respect or delay till the hour of preaching.

Item, It is ordained, that every Minister have a perfect and formal Register, wherein he shall have registred the particulars of the Baptism of every infant within his Parish, and who were witnesses thereto: The time of the Marriage of every Person within the same; and the special time of the Burial of every one deceased within their Parish; and that they have the same in readines, to be presented by every one, at their next Synodal Assemblie, under the pain of Suspension of the Minister, not fulfilling the same, from his Ministry. And it is desired, that the said Commissioners, in their Supplication directed to his *Maj.* would humbly crave, that his *Maj.* would ordain, the extract forth of the said Registers to make faith, in all time coming: And who so observeth this Act, the Archbishops and Bishops shall let them have the quots of their Testaments gratis.

Acta Sessione ultima.

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The which day, in presence of the whole Assembly, compeared a Noble and potent Lord *George Marquess of Huntlie*, and declared, that he had directed of before *John Gordoun of Buckie*, to present his Supplication to this present Assembly, likeas of new he reiterates the said Supplication, declaring the sorrow and grief he had conceived, in that he had lyen so long under the fearful Sentence of Excommunication: And therefore most humbly desired to be absolved from the same. Likeas he faithfully promised, in face of this whole Assembly, to perform and fulfil the Heads and Conditions under-specified. *Viz. First*, the said Noble Lord faithfully promised before God, his Hand holden up, to professe, and abide by the true Religion, presently professed within this Realme, and allowed by the Lawes, and Acts of Parliament of the same. 2. He faithfully promised to communicat, at the first occasion he should be required, and so to continue conform to the Order of the Kirk. 3. He shall cause his Children, Servants, and whole Domesticks be obedient to the Kirk and Discipline thereof, and should cause them haunt the Kirks at the ordinarie times of Preaching. 4. He shall not receive Papists, Jesuits, nor seminarie Priests in his House, or in his Lands; but put them out of his Bounds with all diligence. 5. He alloweth the Confession of the Faith, presently set down by the said Assembly, and in token of his constant Confession and Profession thereof, hath subscribed the same, in presence of the whole Assembly. Which whole promises above specified, the said Noble Lord protests and declares, that he had made, and subscribed truly, and with an honest heart, without any equivocation, mental reservation, or subterfuge whatsoever, devised by the Romish Kirk and their Supposts. *Attour*, the said Noble Lord faithfully promised to plant his whole Kirks, whereof his Lordship hath the reynds in tack, possession, or otherwise, at the sight and conclusion of my Lord Archbishop of *Saint Andrews*, the Bishop of *Murray*, and the Laird of *Corse*, unto whose modification the said Noble Lord submitted himself by the tenor of these presents, Giving them power to modifie compleet Stipends to the said Kirks; and as they shall be modified by them, he obligeth him to make payment of the same to the Ministers provided, or to be provided to the said Kirks. And in respect of the premises, the Assembly ordained the Noble Lord to be absolved from the Sentence of Excommunication, led and deduced against him before: Conform whereto, the right Reverend Father *John Archbishop of Saint Andrews* Moderator, in face of the whole Assembly, absolved the said Noble Lord *George Marquess of Huntlie*, from the Sentence of Excommunication, led and deduced against him, and received him in the bosome of the Kirk.

This lease, or Page following, was loose among the Acts of this Assembly, and had no reference to any Day or Session specified. The Scrollles bear this Date, the Assembly at Aberdeen the 13. of August.

The whilk day the General Assembly of the Kirk of Scotland, presently convened, having entered in the consideration of the causes of the

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defection and falling away of many from the true Religion, and having found the lack of the competent maintenance to Ministers, not to be the least cause of the evils, which lye upon this Kirk presently; the ground and foundation whereof, for the most part, hath proceeded from the dilapidation of Benefices, with the which if some solide order be not taken in time, the same is apparent to bring forth greater evil, and desolation in this Kirk. And seeing the Kings *Majesty* hath required, that order may be taken with the said dilapidations: Therefore, in respect the same cannot be suddenly done, but will require a long and mature deliberation, the Assembly hath given, granted and committed, likeas they, by the tenor hereof, give, grant and commit their full power and commission to the Brethren under-written, they are to say, the Reverend Fathers in God, *John* Archbishop of *Saint Andrews*, *James* Archbishop of *Glasgow*, *Alexander* Bishop of *Dunkelden*,

Alexander Bishop of *Murray*, *Patrick* Bishop of *Roß*, *William* Bishop of *Galloway*, *Andrew* Bishop of *Brechin*, *Andrew* Bishop of *Orkney*, *Alexander* Bishop of *Cathness*, *Adam* Bishop of *Dumblane*, *Andrew* Bishop of *Argyle*, *Andrew* Bishop of *Isles*, *Patrick Forbes* of *Corß*, *George Douglas* Minister at *Cullon*, *Mr John Reid* Minister at *Logie-Buchan*, *Mr George Hay* Minister at *Turreff*, *Doctor Henrie Philip* Minister at *Arbroth*, *Mr David Lindsey* Minister at *Dundie*, *Mr William Scot* Minister at *Couper*, *Doctor Robert Howie* Rector at *Saint Andrews*, *Mr John Mitchelson* Minister at *Bruntland*, *Mr Patrick Galloway*, *Mr John Hall*, *Mr William Struthers* Ministers at *Edinburgh*, *Mr Edward Hepburne* Minister at *Haugh*, *Doctor John Abernethie* Minister at *Jedburgh*, *Mr Robert Scot* Minister at *Glasgow*, *Mr William Birnie* Minister at *Air*, *Mr William Areskeen* Minister at

Giving, granting and committing, to them, or the most part of them, their full power and commission to convene at *Edinburgh* the first Day of *December*, next to come in this instant Year of God 1616. Years, and there to take order with the dilapidation of Benefices, and to set down solide grounds how the progresse of that mischief might be stayed, and to devise some means to recover, and restore the state of these Benefices, which by iniquity of time hath been lost; and if need be, to call and pursue before them those, who have made the said dilapidations, and punish them therefore; and as they shall conclude, the same to be enacted, and have the force of this present Assembly: With power likewise to the said Commissioners, or the most part of them, as said is, to take order anent the planting of sufficient and qualified Pastors, at the Kirks of Burrow Towns, presently vacant, and which are not planted at this present: With power likewise to receive from the right Reverend Father *James* Archbishop of *Glasgow*, and *Mr William Struthers* Minister at *Edinburgh*, the Canons of Church Discipline, committed to their charge, and to revise the same, allow, and disallow thereof; and to direct a Supplication to his *Maj.* that it would please his *Highness* to ratifie, and approve the same, and approve the printing thereof, by his Authority Royal.

These Words following were added by the Archbishop.

Item, Power to receive the books of Liturgie or Divine Service, and the Catechisme, allow and disallow thereof, as they shall think expedient; and

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the same being allowed, to cause publish the same in print for the service within the Kirks of all the Kingdom: As also to revise the Confession of Faith presented to this Assemblie, and after mature deliberation to take order, that the same may be published: And in all these things to do as they will be answerable to God, and the Kings *Maj.* and the Church.

I thus far out of the Scrollles, together with the Bishops additions and alterations. Much time was spent in the beginning of this Assembly, about order taking with Papists, to wearie the Brethren, before they came to the main purpose; where by the way, the Autoritie of the *High Commission* is acknowledged indirectly, in the Acts made against Papists. *John Gordoun* of *Buckie* presented a Supplication, in the fourth Session, in name of the Earle of *Huntlie*: the answer was referred to his own presence, and the Assembly was charged to stay till that time. The Bishop of *Saint Andrews* presented a Letter from his *Maj.* Another from the Bishop of *Canterberrie*, excusing *Huntlies* Absolution in *England*. The reasons moving the Bishop of *Canterberrie*. 1. His *Maj.* suit, assuring him he was fully resolved. 2. The Bishop of *Saint Andrews* had requested him diverse times to further that mans conversion, whensoever occasion was offered. 3. He was resolved by the best learned in *England*, that he might Absolve him. 4. That he did it of Brotherly affection, and not as claiming any Superioritie over the Kirk of *Scotland*. 5. He was informed by the Bishop of *Cathness*, then present at Court, that it would be acceptable service to the Kirk of *Scotland*: But *Mr Alexander Forbes* Bishop of *Cathness* denied this. It was still alledged upon him; and he was threatned with Deposition from his Bishoprick; but his Deposition turned to greater Preferment: For he was preferred before all other Competitors to the Bishoprick of *Aberdeen*, not long after this Assembly: The Marquess was reserved to make a flourish in the end of the Assembly; And in the mean time there passed many dangerous Acts, besides dangerous Commissions, for setting down a new Liturgie, a new Catechism, and a new Book of Canons for the Church Discipline, and to revise the Confession of Faith presented to this Assembly, which was penned by *Mr John Hall* and *Mr John Adamson*, and devised of purpose to thrust out the Confession of Faith, subscribed and sworn by all Estates. The Instructions from the King, concerning the Discipline and Policie of the Kirk, were read, and concluded in one Session upon Saturday; howbeit they were as many in number as the Articles made against the Papists, whereupon they spent four dayes, which they might have concluded in one hour. So the time was driven over, to make the Assembly to wearie. A number of the Ministry foreseeing, and understanding what was to be proponed, and finding the Assemblie made for the purpose, withdrew themselves before Saturday, and went out of the Town. Others removed themselves in the mean time. They suffered all Malecontents to depart. There rested nothing then but to ask at these who were present, what say ye, My Lord? What say ye, Laird? What say ye, Master Doctor? It was answered, Well, My Lord. If any man preased to speak unasked, the Bishop wagged his finger, and that meant silence. The Ministers rounded in the ears of others, how can we either Vote, or speak here freely, having the Kings guard standing behind our backs. The Acts pass, conform to the instruction by the Kings Commissioner. The Marquess came

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to *Aberdeen* upon Tuesday at night late, and conferred with the Bishops before the Kings Commissioner. After that the Bishop had proponed to the whole Assembly their conference, and the effect thereof, *viz.* that the Marquess had offered to subscribe the Confession of Faith, to give due Obedience to the Ordinance of the Kirk, in all time coming, and to Communicat as occasion should be offered, he subscribed the new Confession. The tenor of the Confession here followeth.

The new Confession of Faith.

We beleewe with our hearts, and confesse with our mouthes these Articles of Religion following

That God is a Spirit Immutable, Eternal, and Infinite in Power, in Wisdom, in Goodness & Glorie; from whom, by whom, to whom are all things, in whom we live, in whom we have our being; who is one onely God, and three Persons, which are Coessential, Coeternal and Coequal. The first is the Father. Who is of none. The Second is the Sonne, who from all eternitie is begotten of the Father. The third is the Holy Ghost, who from all eternitie proceedeth from the Father and the Sonne. This Glorious God from all eternitie, out of his wisdom and infinit knowledge, decreed all things, that were after to be done. This God, before the foundation of the world was laid, according to the good pleasure of his will, for the praise of the Glorie of his Grace, did predestinat and elect in Christ some Men and Angels unto Eternal Felicitie; & others he did appoint for Eternal Condemnation, according to the Counsel of his most free, most just and most Holy Will, and that to the praise and glorie of his justice.

In the beginning of time, when God created of nothing all things in heaven and in earth, Visible and Invisibile, he made them very good, and above all things he made Man and Angels conform to his own image, in Righteousness and true Holiness: But some of the Angels of their own free motive sinned against God, left their original, forsook their habitation, and abode not in the Truth, and thereby became damned Devils.

Then Satan abused the craftie serpent for his instrument, seducing our Mother *Eva*. She tempted her Husband *Adam*: So both disobeyed the Commandments of God, and thereby made themselves and their posteritie the bondmen of Satan, slaves of Sinne, and heirs of eternal Damnation.

By this fall of *Adam* all his Posteritie are so corrupted, from their conception and nativitie, that none of them can do, or will any thing truly acceptable unto God, till they be renewed by the Will and Spirit of God, and by Faith ingrafted in *Jesus Christ*.

This our original & native corruption by Regeneration in part is weakened, and mortified: Yet it is sinne indeed remaining in us, alwayes lusting against the Spirit, and tempting us to sin actually, as long as we live.

Albeit all mankind be fallen in *Adam*; yet only these who are elected before all time, are in time redeemed, restored, raised and quickned again, not of themselves, or of their works, lest any man should Glorize; But only of the mercie of God through faith in *Jesus Christ*, who of God is made unto us Wisdom, and Righteousness, Sanctification & Redemption, that according as it is written, he that Gloriethe, let him Glorize in the Lord.

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This then is Life Eternal to know the true God, and whom he hath sent *Jesus Christ*: whereas vengeance shall be taken of them that know not God, & do not subject themselves to the Gospel of the Lord *Jesus Christ*, by the Obedience of Faith.

We beleeve, that the Rule of this Knowledge, Faith and Obedience; yea and of the whole Worship of God, and of all Christian Conversation, is not the wit nor will of man, nor unwritten Traditions whatsoever; but the wisdom and will of God, which is sufficiently revealed in the Canonical Scriptures of the Old and New Testament, which are *Genesis, Exodus &c. exclusis Apocryphis.*

We beleeve, that the Authoritie of the Holy Scriptures is divine: For they are all of Divine Inspiration, and of God for their Author. Their Authoritie depends upon God, and not on man. They have power over all flesh, and no Creature hath power over them. We are absolutly bound to beleeve them for their own Testimonie, which is the Testimonie of God himself speaking in them: And our faith dependeth not upon any External Testimonie of the Church witnessing of them. All things, necessarie to Salvation, are contained therein. All the Doctrine of the Church must be warranted by them, as the lively and plain voice of God, who is Supream Judge in matters of Faith and Worship.

We beleeve, that all points of Faith & Worship are set down in the Word of God; that what is obscurely proponed in one place, is most clearly expounded in other places; neither receive we any Interpretation of any Scripture in these matters, which is not warranted by other Scriptures.

These Holy writs are delivered of God to his Church, to make us wise to Salvation by faith in *Jesus Christ*, whose Person, Office and Benefits they most clearly and fully set forth unto us.

The Lord *Jesus Christ* is declared in Scripture to be the Eternal Sonne of God, begotten from all eternitie of the Father, by whom he created the world, by whom also he doth Sustain and Govern all things, which he hath made: And this Eternal Sonne of God, when the fulness of time came, was made man of the woman, of the tribe of *Judah*, and of the seed of *David* and *Abraham*, even of the blessed virgin *Marie*, by the Holy Ghosts coming upon her, and the power of the most High overshadowing her, by whose marvellous & divine Operation, the Sonne of God was made man of humane bodie & soul, & in all things like unto us, sinne only excepted. And yet so he was made man, that he ceased not to be God; and so is God that he is also man, having both the natures, divine and humane, united together in a Personal Union; so that in an admirable Person, the two natures are distinct, and not confounded in respect of their Essence, their essential Properties, and proper Operations.

And because of the Union of the Nature of Man in one Person with the Sonne of God, Christ, God and Man, is to be adored and worshipped of us: For to Christ, God and Man, all power in Heaven and Earth is given, and he hath gotten a Name above every name, that at the Name of *Jesus* every Knee should bow.

The purity of the humane Nature of Christ is to be ascribed to the supernatural operation of the Holy Ghost, who separated the Seed of the Woman from her natural corruption: and not to the puritie of the Virgin *Marie* his Mother: For she doubtless was conceived in sin, and had need of her Sonne to be her Saviour, as well as other Women.

The Lord *Jesus Christ*, as God and Man, is the Saviour of his Church,

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which is the Bodie, and the fulness of him who filleth all things: neither is there salvation in any other thing.

This blessed Lord has fulfilled the whole Law for us, to our behoof, and in our place, both doing all that the Law requireth of us, and suffering the punishment due to our disobedience, even to the curse of the Law, and death of the Crosse, whereby the fulfilling of the Law, our Redemption was sealed and consummated.

We beleeve, that as He died for our sins, and rose for our righteousness, so he ascended to Heaven, to prepare a Place for us, and sitteth at the Right hand of God, to make Intercession for us, and is able perfectly to save them that come to God by Him; who, albeit in his Manhood he be so in Heaven, that He is no more in the Earth; for the Heavens must contain Him, till He come to judge the Quick and Dead: Yet in his God-head He is so every where, by His power sustaining all things, and by his gracious Spirit directing and governing his Kirk militant on earth.

We beleeve, that the Lord *Jesus Christ* was appointed and anointed of the Father to be the King, the High Priest, and Supream Teacher of his Church.

We beleeve concerning the Prophetical Office, that he is the only Master and Teacher of his Kirk, whom God by his own voice from heaven commanded us to hear: Who hath revealed the whole will of the Father touching our Salvation; and what he hath heard of the Father, he hath made known to us, speaking nothing to his Church, which he did not before hear of his Father, that the Church might learn to receive nothing in Faith and Worship, which she hath not heard of him.

As concerning his Priestly Office, we beleeve, that he is our onely Mediator both of Redemption, and Intercession; and that by the Sacrifice of himself, once offered on the crosse, he hath made a full Satisfaction for all our sinnes, and doth continually make intercession for us to God. And therefore we abhorre that supposed reiterating of the Sacrifice of Christ in the Masse; and we renounce all kind of Intercession of Saints and Angels.

As concerning the Kingdom of Christ, beside his Absolute Empire, whereby he ruleth all things, we beleeve him to be our Eternal King, and onely Head of his Kirk Universal: Neither he, nor his Kirk hath any need of a Lieutenant Deput in his place, seing he is present in his Kirk alwayes by his Spirit, powerfully Working therein, Calling, Collecting, Quickening and graciously Working in her, by the Ministry of the Word and Sacraments, to the consummation of the world.

We beleeve, that our Communion with Christ our Head is Spiritual, by that Holy Spirit that dwelleth powerfully, both in the Bodie, and in the Head, making the members conform to the Head; and it is no wayes corporal, or by any fleshly receiving of his bodie.

We beleeve, that by vertue of this Communion Christ is ours, & we are Christs, and his Suffering is our Satisfaction; and by it we have right, title and interest to all the benefites, which he did promerit and purchase to us by his Suffering.

We beleeve, that God justifieth sinners by Remitting of their sins, and by imputing to them the Righteousness and Obedience of Christ, whereby he fulfilled the whole Law in our place, both in doing the Commandments thereof, and in suffering the curse thereof, which was due to us because of our disobedience.

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We beleeve, that that Righteousness, whereby we are justified before God, is not inherent in us, but in *Jesus Christ*; and that it is freely given to us of Gods free Grace, through our Faith in *Jesus Christ*.

We beleeve, that we are justified by Faith, as it is an Instrument apprehending and applying the Righteousness of Christ to us, and not as it is a qualitie and vertue inherent in us; so that the meritorious cause of our justification is not in the Faith which apprehendeth, but in the Righteousness of Christ by faith apprehended.

We beleeve, that albeit we be not justified by good Works before God, and can merit nothing at Gods hands; yet they are the way to the Kingdom of God, and are of necessitie to be done for Obedience to God, for glorifying of his name, for confirming our selves anent our Election, and for example to others: And constantly we affirm that faith, which bringeth not forth good works, is dead, and availeth nothing to Justification or Salvation.

We beleeve, that the Elect being renewed, are sealed with the Holy Spirit of promise, in such sort, that albeit they bear about in their flesh the remnants of that Original Corruption, and albeit they offend through infirmities, and through the inticements thereof sin grievously to the offence of God: Yet they cannot altogether fall from grace, but are raised again through the mercie of God, and kepted to Salvation.

Concerning the certaintie of our Salvation, we beleeve, that every one of us in particular ought to be fully perswaded thereof, giving credit both to the external promise of the Word, and internal witness of the Spirit. And as for the doubtings thereof, which we often find in our selves, we do not allow; but contrariwise damne them, as the fruits of the flesh fighting against our Faith.

We beleeve, that God hath appointed his Word & Sacraments, as instruments of the Holy Ghost to work, and confirm faith in Man,

We beleeve, that the Word of God ought to be taught, and the Sacraments administred, and all Divine Service, as praying and praising, in all languages, known and understood by the people.

We beleeve, that the Sacraments are certain visible Seales of Gods Eternal Covenant, ordained by God to represent unto us Christ crucified, & to seal up our Communion with him.

We beleeve, that the Sacraments are to be ministred only by them, who are lawfully called thereto by the Kirk of God.

We beleeve, that the Sacraments have power to confirm Faith, & confer Grace, not of themselves, or *ex opere operato*, or force of the external action; but only by the powerful operation of the Holy Ghost.

We beleeve; that there be only two Sacraments, appointed by Christ under the New Testament, Baptisme, and the Lords Supper.

We beleeve, that Baptism is necessary to Salvation, if it can be orderly had: And therefore that not the want of it, but the contempt of it doth damne.

VVe beleeve, that Baptism sealeth up unto us the Remission of all our sins, whereof we are guiltie, either before, or after our Baptism.

We beleeve, that Baptism is to be ministred simplie with the element of water, with the rite of Dipping, Washing, or Sprinkling, in the name of the Father, Sonne and Holy Ghost, according to Christs Institution, without other Elements or Sacramental rites devised by man.

VVe beleeve, that the Lords Supper is to be given to all Communi-

cants

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cants, under the elements of Bread and Wine, according to Christs Institution.

VVe beleeve, that the elements of Bread and VVine, are not transubstantiar, or changed in the substance of the Body and Blood of Christ; but that they are Sacraments of his body and blood, thus changing their use, but not their substance.

VVe beleeve, that the body and blood of Christ are truly present in the holy Supper, that they are truly exhibite unto us, and that we in very truth do participat of them, albeit only Spiritually and by Faith, not Carnally or Corporally.

VVe beleeve, that the Lords Supper is a Commemoration of the Sacrifice of Christ, which once offered did fully expiat our sins. VVith this one Sacrifice, once offered, we are all fully content, neither do we seek any other Expiatorie or Propitiatorie Sacrifice. But as for Sacrifices of praise and thanksgivings, the Sacrifice of a contrite heart, Almes and Charitable deeds, these we ought daily to offer, as acceptable to God in *Jesus Christ*.

VVe beleeve, that the Sacrifice and Merit of Christ is not applyed to us, by the work of the Sacrificing Masse-Priest; but by that faith, which is wrought in our soules by the Holy Ghost, whereby the Sacrifice and Merit of Christ is applied to us, and being applied to us becometh our Satisfaction, Attonement and Merit.

VVe beleeve, that the soules of Gods Children, which depart out of this present life in the Faith of *Jesus Christ*, after the separating from their bodies, immediatly passe to heaven, and there rest from their labours until the day of judgement, at which time they shall be reunited with their bodies, to enjoy life everlasting with Christ: Likeas the soules of the wicked immediatly passe to hell, there to remain until the day of judgement, which day, being conjoined with their bodies, they shall sustain the Judgement of everlasting fire: & beside these two, a third place for Soules we do not acknowledge.

VVe beleeve, that there is an Holy Catholick or Universal Church, which is the Holy Company of all those, who, according to the purpose of Gods eternal election, since the beginning of the world, will be called to the Kingdome of Christ, and to the Communion of Eternal Life in him.

We beleeve, that the true members of this Church, are only the faithful, who are chosen to Life Eternal. This Church we beleeve to be but one, and that out of it there is no Remission of Sinnes to Salvation.

We beleeve, that this Kirk is partly triumphant in heaven; partly militant in the earth. The whole militant Kirk on earth is divided in many and diverse Particular Kirks, which are Visible and Conspicuous to the eyes of men.

VVe beleeve not, that all those Particular Kirks on earth are pure, but these only which continue in the Doctrine of the Prophets and Apostles, according to the Holy Canonical Scripture, worshipping God purely, & ministring the Sacraments according to the same: And these be the marks, whereby a true Kirk on earth may be discerned and known.

As concerning the worship of God, we confesse and affirm, that all Religious worship or service is only to be given to God, as his proper due & Glory, which he will Communicat to no other. Beleeving firmly, that

God is to be worshipped only according to his own will, revealed in his Word.

And therefore we abhorre all Wil-worship, all Invocation of Saints or Angels, all worshipping of Images, Crucifixes, Relicts, and all other things which are beside the true God.

We beleeeve and confesse, that God hath ordained Kings, Princes, & Magistrats, for the good of the Commonwealth, for the better Governing in the Kirk, and to be Nurse Fathers of the samine. And therefore that all their Subjects are bound in dutie to obey them, in all things they command lawfully, not repugnant to the will of God; & that they are obliged to pray for them daily, that under them they may lead a godly and a peaceable life.

We beleeeve and constantly affirm, that the Church of *Scotland*, through the abundant grace of God, is one of the most pure Kirks under heaven this day, both in respect of truth in Doctrine, & puritie in Worship: And therefore with all our hearts we adjoyn ourselves thereto, and to the Religion publickly professed therein by the Kings *May.* and all his true Subjects, and Authorized by his *May.* Lawes, promising by the Grace of God to continue therein to the end of our life, according to the Articles which are set down: Which as we beleeeve with our heart, so we confesse with our mouthes, and subscribe with our hands, understanding them plainly as they are here conceived, without equivocation or mental reservation whatsoever. *So may God help us, in the great day of Judgement.*

After the dissolving of the Assembly, *Mr William Struthers*, who went without Commission from the Presbytery of *Edinburgh* to *Aberdeen*, and yet was the chief actor at that Assembly, fell out in his Sermon upon the 27. of *August*, in a great Commendation of the proceedings there, and affirmed, that all things were done with so great Wisdome, Gravitie and Godliness, that they had left a notable Testimonie of their upright dealing to the posteritie. The Bishop of *Galloway* affirmed the like. But little credit was given to any of them: For the one was a Bishop, and the other a Pensioner, that is, a souldier hired or waged to mainrain their course.

Upon the Lords day, the 17. of *November*, Prince *Charles* was installed with great solemnitie.

About the end of *Januar*, the King sent to the Councel the motives of his coming to *Scotland*, to wit, his natural and Salmont-like affection and earnest desire to see his native and ancient Kingdom of *Scotland*, and earnest desire to discharge some points of his Kingly Office, so far forth as he might commodiously, not offending his good Subjects both of the Ecclesiastical and Civil Estate. He promised that what he should do, should be done with the applause of all; that he would redresse wrongs, and hear complaints, if there were any, which could not be so well done, as when he was present.

About this time the Earle of *Errol*, who had been Excommunicat nine years before, was absolved, upon some offers given-in by him to some Bishops, convened at *Perth*.

In repairing the Royal Chappel of the Palace of *Halyrudhouse*, beside the place which was prepared for the Organs, and the Quiristers to sing, there were also carved the Statues of the Twelve Apostles, and the Four Evangelists, curiously wrought in timber, to be gilded, and set up. The people murmuring, the Bishops dissuaded the King from setting them up.

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Mr William Struthers commendeth the Assembly at Aberdeen.

Prince Charles installed.

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Errol absolved.

The repairing of the Chappel.

1617. At this time *Mr William Couper B. of Galloway*, sent to *Mr Patrick Simpson*, Minister at *Stirling*, this Letter following.

Right honorable and loving Brother, I received a Letter from *Thomas Euine of Cookspow*, which albeit it wants a Subscription, yet by the hand writ, and the stile, and the purpose, I knew it to be yours. Concerning Images, we have gotten them discharged, upon a Letter vve wrote, subscribed by the Bishops, *Mr Patrick Galloway* and *Mr John Hall*. But yet with a sharpe rebuke, and check of ignorance, both from his *Maj. and Canterberrie*, calling our skarring at them, *scandalum acceptum, sed non datum*. Vve bear the reproof the more patiently; because we have obtained that which we craved. VVhat I wrote of *Augustinus Junior*, if I remember right, was not for Images, but other Romish Toyes of Caps, Surplices, Altars &c. vvherevvith our Kirk vvas not spotted three hundreth years after him. For resisting of these, and confirming also our refusal of Images to be most reasonable, and upon knowvledge, I pray you take some pains, that seing vve cannot alway have yourself, at least your information may help us. The King in his Letter hath boasted us vvith his English Doctors, vvho (as he saith) shall instruct us in these and other points, except vve refuse Instruction. God make us vvise and faithful, and keep us from their usurpation over us, vvhich novv is evidently perceived, and hardly taken by us all. Concerning our Commission, I shall do vvhat I can. But *Saint Andrews* vvill not be here before the tenth or tvvelsth of *April*. I pray you againe remember to help us out of your talent, and haste it in hither. So rests.

March. 26. 1617.

*Your own in the Lord
VV. B. of Gallovvay.*

Ye see here both a purpose to set up Images, and vvith all, how this Bishop flattereth *Mr Patrick Simpson*.

The Kings
entrie to
Edinburgh.

Upon the thirteenth day of *May*, the King entered into *Scotland*. Upon the sixteen of *May* he made his entrie in *Edinburgh* at the west port; and was convoyed to the great Kirk, where the Bishop of *St Andrews* had a flattering Sermon. The solemnities, which were used at his passing through the Town, I passe by, as not pertinent to the Historie.

Upon Saturday the seventeen of *May*, the English service, singing of Quiristers, and playing on Organs, and Surplices were first heard and seen in the Chappel Royal.

The Com-
munion
celebrat in
the Chap-
pel after
the En-
glish form.

The Noblemen, Counsellours, and Bishops, so many as were in *Edinburgh*, were commanded to repair to the Palace of *Halyrudhouse*, upon whitsunday the eight of *June*, where the Communion was to be celebrat after the English forme. Chancellour *Setoun*, Secretar *Hamilton*, *Sir George Hay* Clerk of Register. the Earle of *Argile*, the Bishops of *Saint Andrews*, *Glasgow*, *Ross*, *Brechen*, *Dumblane*, and sundrie others communicated kneeling, not regarding either Christs Institution, or the order of our Kirk. The Bishop of *Galloway* refused, but continued not long in that minde. Upon the Tuesday following, the King ordained the Lords of the Secret Council to warne the Marques of *Hamilton*, the Earles of *Marr* and *Glencarne*, who were in the Chappel, but Communicat not; & the rest of the Bishops & Noblemen, who were in *Edinburgh*, to prepare themselves against the next Lords day, to Com-

municat

communicat after the same manner. *Mr William Struthers*, one of the Ministers of *Edinburgh*, preached this day in the Chappel before the King, & observed the English form in his Prayer and Carriage.

Upon the fifteen of *June*, some Noblemen and Bishops, who had not Communicat before, Communicat kneeling: Yet not the halfe of the Noblemen who were required. The Ministers of *Edinburgh* in the mean time were silent, neither dissuading the King in privat, nor opening their mouth in publick against this Innovation, or bad Example.

Upon Tuesday the seventeen of *June*, the first day of the Parliament, *Spotswood* Bishop of *Saint Andrews* had a short Sermon, wherein he praised the King for his good Zeal, and Care to settle the Estate of the Kirk; and exhorted the Estates to hold hand to him. Thereafter the King himself had a harangue, wherein he expressed the great desire he had to visit this Realme, to have the Kirk settled, the Kingdom reduced to good order, Lawes needing reformation reformed, for the good of the Subjects. The Chancellour followed with his harangue. The time being thus spent till four afternoon, they proceeding to the choosng of the Lords of the Articles, the Noblemen, specially such as feared prejudice to their Estate, namely, by the dissolution of the erections of Prelacies into temporal Lordships, were not content, that they should be chosen at the pleasure of the King and Bishops. The King purposed once to dissolve the Parliament: yet at last they were chosen; but not altogether to the King and the Bishops contentment. Yet the King would not suffer the Laird of *Dunipace* to be one of the number: Because of his opposition made at the Assise at *Linlithgow*, where the six Ministers were convict of Treason, for their Declinature. The King and the Estates came not out of the Parliament-house before ten hours at night, and went down to the Palace in great Confusion, some ryding in their robs, others walking on foot; & the Honours were not carried as before.

The Ministers met diverse times in the Little Kirk, so many as pleased to hearken to the Bishops, and gave their advice and assistance. One or moe of the Bishops were ever present with them. Their chief consultation was about stipends, & provision to Ministers. There were some other Ministers in the Town, who were more careful of the Spiritual Liberties of the Kirk, and were minded to Protest against any Article, which was to passe against any Act in Parliament, prejudicial to the Spiritual Liberties of the Kirk. The Bishops assured them with attestations, there was no such thing intended. Whereupon they went almost all homeward, after they had attended a good space. *Mr David Calderwood*, Minister at *Crailling*, went in to the Little Kirk, to try what the Ministers there conveened were consulting upon, and hearing the Bishop of the *Isles* *Mr Andrew Knox* making mention of the Convocation-house of *England*, protested, that that Meeting be not acknowledged for a General Assembly, or any other Meeting equivalent to it, or any wayes answerable to the English Convocation-house; where the Clergie conveened in time of their Parliaments. Thereafter he desired them to consult of matters of greater Importance, then augmentation of stipends. It was answered, that no alteration was to be feared, and the Bishops had promised so. He replied, that they had proof, these sixteen years bygone, of their fidelitie in keeping their promises. They filled the ears of the Ministry with Overtures for stipends, and order-taking with Papists, when they were working against the Kirk. There is an Article already

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Another
Communi-
on in the
Chappel.

The Parlia-
ment.

The Mini-
sters re-
solve upon
a protesta-
tion.

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past among the Lords of the Articles, that Bishops should be elected by Chapters, which is a matter Ecclesiastical, and contrare to the Acts of General Assemblies. Doctor *Whitfoord* and Doctor *Hammiltoun* interrupted him, and urged their other purpose concerning stipends. Mr *David* finding them carelesse, and some senthere of purpose by the Bishops, to hinder any good purpose, left them with these words, *It is absurd, to see men sitting in silks and sattins, and to cry povertie in the Kirk, when puritie is departing.* The two Archbishops, being informed of the speeches that past, came to the meeting the day following, & protested before God, that there was no alteration intended: And yet not only the former Articles concerning Chapters passed; but also the following there passed another Article among the Lords, which was like to cut the cordes of the remanent liberties of the Kirk: Which when some Brethren understood, howbeit otherwise not very forward, they were encouraged, that some of them resolved to make a Protestation in open Parliament. The Ministers of *Edinburgh* seemed as forward, as any other. Two of them were appointed to pen the Protestation, to wit, Mr *Peter Hewat* and Mr *VWilliam Struthers*. These assembled in the *School*, and other Ministers also, who before would not countenance the other meeting. The two Protestations were read, and considered. The Protestation, penned by Mr *Peter Hewat*, was preferred to the other, but it was thought needful to be helped with two clauses of that other, penned by Mr *Struthers*. Two Brethren were appointed to make up both. In the mean time the rest were consulting upon the manner of the Subscription, and upon the Presenter. Mr *Patrick Galloway* is told, he would subscribe it with his blood: Yet refused he to subscribe with pen and ink, lest the King should have seen his name at the end of the Protestation. It was therefore devised, that Mr *Archbald Simpson*, their Scribe, should subscribe in name of the rest, and the rest should set down their names in a roll, for his warrant, whereof he should have the custodie. The Protestation was subscribed after this manner, and the roll apart from the Protestation by so many of the Ministry, as were present at that meeting, or could be conveniently had in the Town. For the most part, specially of the best affected, had departed home, upon assurance made unto them by the Bishops, as I have said. Mr *Patrick Galloway* revealed to the King their whole purpose, that same very night, fearing the King should be informed by some other. Whereupon Mr *Peter Hewat*, being in the Kings Palace the day following, was desired by *Spotswood*, Bishop of *St Andrews*, to let him have a sight of their Protestation. The Bishop reading the first line of it, where it made mention of some Brethren of the Ministry convened, and found no mention of any Bishop, riveth it in great despight; and saith, they were too malapert to convene without a Bishop. He should make the best of them wear a sorplice, seing they handled him after that manner. The King asked Mr *Peter*, where the other Copie was; he answered, he had no other. Some Brethren, having heard of that which had fallen forth, appointed Mr *Archbald Simpson* to present the other Copie, in case Mr *Peter* had any wayes failed, or been impeded to discharge his Commission. For Mr *Peter* had place to sit in Parliament, as Abbót of *Corfuqual*. When the Lords were convening in the Parliament, Mr *Archbald* presented the other Copie to the Clerk of Register to be read before the Estates; but he refused. The King being made acquaint with the

matter,

matter, called for some of the Bishops to the Inner house, and after some conference had with them, entered to the Outer-house, and sat down in his Throne. When this Article was to be read, his *Maj.* declared, that he would passe from it: Because it bindeth him to take advice, He would do in that matter, as he thought good, according to his Royal Prerogative.

The Copie of the Protestation.

Most gracious and dread Sovereigne, most Honourable Lords and remanent Commissioners of the present Parliament, We the Ministers of Christs Evangel, being here conveyed from all parts of this your *Maj.* Kingdom, do in all Submission and Reverence intreat your *Maj.* and Honours patient and favourable hearing of this our reasonable and humble Supplication. And first, it will please your *Hignesse* and Honourable Estates presently convened, be informed, that we are here a number of the Ministers, out of all the parts of this Kingdom, and that the Bishops have protested, since our coming, to a great many of us, that nothing should be agreed upon, nor consented unto, by them, in this present Parliament, in matters concerning the Holy Church, the Discipline and Order thereof, without our special knowledge and advice: Affirming also, that neither they nor we, have power of consent in any Innovation, or small change of the Order of our Kirk established, without special advice and determination of the General Assembly, representing the bodie of the Kirk of the Kingdom, had thereunto. Whereupon vve, resting in securitie, have received now a sudden report, to our great astonishment, of one Article to passe in Conclusion, and to receive the force of a Law, in this present Parliament: Decerning and declaring, that your *Maj.* with advice of the Archbishops, Bishops, and such a competent number of the Ministry, as your *Maj.* out of your wisdom shall think expedient, shall in all time coming have full power, to advise and conclude matters decent for the External Policie of the Kirk, not repugnant to the VVord of God; and that such Conclusions shall have the strength and power of Ecclesiastical Lawes. VVherein it vvill please your *Maj.* and honourable Estates to hear our just grieves, and consider our reasonable desire; and not to put us, your *Maj.* humble and loving Subjects to that poor and simple point of Protestation, VVhich, if remedie be not provided, vve must be forced to use for the freedome of our Kirk, and discharge of our Conscience.

VVe then first plead Reformation and Puritie in our Kirk, in Doctrine, in Ministration of the Sacraments, in Discipline, and all convenient Order, vvith the best reformed Kirks in *Europe*, which may stand, and have been acknowledged rather as a pattern to be followed of others, then that we should seek our Reformation from any, that never attained to that perfection, which in the mercie of God this long time bygone under your *Hignesse* we have enjoyed, and are able by reason to maintain the same.

Next, we plead the libertie of our Kirk, which by the Lawes of your *Maj.* Kingdom, and diverse Acts of Parliament, given forth in favour of the same, is Established, with power of publick Meetings and General Assemblies, and allowance to make such Canons and Constitutions, as may serve for the comely order and decencie of the same: All which by this Conclusion to be taken, must be utterly overthrow.

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Thirdly, we plead for the peace and tranquillitie of our Kirk, which being neereft the Divine and Apostolick Institution, hath flourished without Schisme or renting in it self: and by introduction of any noveltie, not orderly, nor as appertaineth, may be miserably rent, & our peace broken.

Fourthly, we have been at diverse times sufficiently secured from all suspicion of Innovation, as by your *Maj.* Letter the last winter, sent down to this Countrey, to take away all fear of any alteration, which might arise upon your *Maj.* loving intended journey: Which Letter, by your *Maj.* special will, and direction of the specials of your *Highness* Council, is elsewhere intimated in our Pulpits: As also by that Proclamation, given out the twenty six day of *September* 1605. when rumors of intended conformitie with the Kirk of *England* were spread abroad, when your *Maj.* sufficiently avoided all suspicion, and the hearts of all honest men settled themselves in confidence, that no such thing should be attempted.

These and many other Reasons have moved us, in all reverence, by this our humble Supplication, to intreat your *Highness*, and honourable Estates, not to suffer the fore-named Article, nor any other, prejudicial to our Liberties formerly granted, to passe at this time, to the grief and prejudice of this our poor Kirk, whereby the universal joy of thousands of this Land, who rejoiced at your *Maj.* happie arriving here, shall be turned into mourning: Wherein, as we are earnest Supplicants to God to incline your *Maj.* heart this way, as the most expedient for the Honour of God, and the well of the Subjects; so, if we shall be frustrat of this our reasonable desire, then do we in all humilitie, with that dutifull acknowledgement of our loyaltie to your *Maj.* as becometh, Protest for our selves, and all our Brethren, that shall adhere to our Protestation, that as were are free of the same, so must we be forced rather to incur the censure of your *Maj.* Lawes, then to admit, or obtemper an imposition, that shall not flow from the Kirk orderly convened, having power of the same.

The names of those who subscribed the roll June 27. Anno 1617.

Mrs Patrick Galloway, John Hall, Andrew Ramsay, William Struthers, Robert Scot, John Balfour, Robert Colvaine, Thomas Sydeserf, Henrie Blyth, George Greir, John Aird, James Burnet, Archbald Simpson, William Black, Simeon Johnstoun, William Arthur, William Weemes, George Dumbar, John Scrimger, James Ingles, William Knox, John Smith, Michael Wallace, Patrick Shaw, John Alexander, Robert Murray, Charles Lumisdane, Patrick Hamiltoun, David Calderwood, John Ker, Walter Whytfoord, John Chalmers, James Porteous, Luke Sonfie, James Lambe, William Guild, William Douglas, John Merfer, George Chalmers, James Robertson, Henrie Levingstoun, John Cheisley, Francis Collace, William Iustice, John VVeemes, Alexander Forrest, VVilliam Jamieson, Alexander Keith, Andrew Balfour, Robert Rough, Robert Heres, Theodor Hay, Adam Simpson, James French, VVilliam Scot a Minister in the west.

Mr Archbald Simpson, the Minister of *Dalkeith*, was summoned the Sabbath day following, after the dissolving of the Parliament, to compare the day after before the *High Commission*. He was comitted to Ward in the Castle of *Edinburgh*, for not exhibiting the roll of the names. He

had

had given the roll to *Mr Patrick Henrison* Master of the song School in *Edinburgh*, who gave it to *Mr David Calderwood* Minister at *Crailling*. Whereupon the said *Mr David* was summoned to compear before the *High Commission*, at *St Andrews* the eight of *July*. The tenor of the summons here followeth.

John by the mercie of God Archbishop of *St Andrews*, *Primat*, and *Metropolitan* of *Scotland*, and *James* Archbishop of *Glasgow*, to our lovits &c. Excutors hereof conjunctly and severally, specially constitute, Greeting, forsameekle as it is humbly meaned and showne to us by our lovit *Mr William Veemes* our Procurator fiscal, That wherupon friday, being the 27. of *June* instant, therebeing a mutinous Assembly of certain of the Brethren of the Ministry, assembled in the Musick School of *Edinburgh*, they caused a Protestation to be penned, and to be given-in to his *Maj.* and Estates of Parliament: Whereunto *Mr Archbald Simpson* Minister at *Dalkeith*, as pretended Clerk, set his hand, and subscribed the same for himself, and in name of the rest of the Brethren assembled; and for his warrant, most seditiously took all their hand-writs and Subscriptions: And the said *Mr Archbald* being cited before us and our Associats, Commissioners appointed by his *Maj.* High Commission, for exhibiting and production of the hand-writs, collected by him at that time, he declared in our presence, that he had not the same in his hands then, and that he had delivered the same to *Mr Patrick Henrison* Reader in *Edinburgh*; and the said *Mr Patrick* being present declared, that he had received the same subscriptions from the said *Mr Archbald*, and that he had delivered the same to *Mr David Calderwood* Minister at *Crailling*; and that the said *Mr David Calderwood* as yet retaineth the same, of purpose to cause others of the Brethren subscribe the same seditious Protestation, in contempt of Almighty God, & reverence he ought to his *Maj.* our Sovereigne Lord, and regard he ought to have carried to his Superiours, and thereby hath declared himself a mutinous and seditious Person, unworthie to bear Office and Function in the Kirk; and ought, and should be censured therefore & punished. Herefore I charge you, that incontinent this our precept seen, ye passe, and lawfully Summon, warne and charge the said *Mr David Calderwood* Minister to compear before us, and our Associats, Commissioners appointed by his *Maj.* High Commission, at *St Andrews* the eight day of *July* next-to come, at eight hours in the morning, and there to exhibite and produce the roll, containing the hand writs of the said Assemblers, & other Subscribers of the said Protestation, whole and uncanceled, as he received the same from the said *Mr Patrick Henrison*; and to answer for his mutinous and seditious assistance to the said Assembly, and to see and hear him punished by all Censures, that we, by vertue of his *Maj.* High Commission, may impose upon him; and that under the pain of Deprivation of him of all function of the Ministry. Certifying that if he compear not the said day and place, he being lawfully summoned thereto, the said sentence of Deprivation shall be pronounced against him, and we shall cause Letters of horning be direct for denouncing of him his *Maj.* Rebel, and putting of him to the horne. The whilk to do &c. Given under the signet of Office of the said High Commission, and subscribed by the Clerk, at *Edinburgh* the last of *June* 1617.

Mr Archbald Simpson Minister at *Dalkeith*, and *Mr Peter Hewat* one of the Ministers of *Edinburgh*, were likewise summoned to

compear

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Mr David Calderwood summoned before the High Commission.

The Brethren summoned before the High Commission.

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compear the said day; all the three attended upon the diet: But it was continued until the twelfth of July, to the end they might be censured in the Kings presence. Upon the eleventh day afternoon, the King entred into *St Andrews*. He went into the Kirk, and heard *Mr George Gladstones* sonne, being Archdeacon, who rained flattery the space of the quarter of an hour. The day following *Mr David Lindsey*, then Minister of *Dundie*, sustained some Theses concerning the Princes power. The King himself was present at the Disputation, which was in the Kirk.

The High
Commis-
sion siteth.

This day afternoon the *High Commission* sat. Before the Brethren above-named were called on, the King had this speech in the *High Commission*. We took this order with the *puritans* of England, they stood out as long as they were deprived only of their Benefices; because they preached still on, and lived upon the benevolence of the people, affecting their cause: But when we deprived them of their Office, many yeelded to us, and are now become the best men we have. Let us take the like course with the *puritans* here. So they went keenly to work, and deprived that afternoon the three Ministers abovenamed.

N. P. Hewat
deprived & con-
fined.

Mr Peter Hewat compeared, & adhered to his Protestation: And therefore was deprived, and confined in *Dundie*. His Collegues were in the Town, and animated him to stand to the Protestation, promising to do the like. He followed ever the corrupt course before. Upon what motives he was drawn to oppon to this Article, which was to passe in Parliament, I am uncertain. It is alledged, that his voice would not serve him to teach any longer: And therefore was content to be removed from the Ministry for some honest cause, and to live upon the *Abbasie*, where-to he was provided.

Mr Archbald Simpson attended upon the first diet, but compeared not at this second, and sent a Letter in latine to excuse his non-compearance, bearing that he was detained by bodily infirmities, and withal justified that Meeting, their Protestation, and all his own part.

M. A.
Simpson
deprived.

The Bishop of *St Andrews* delivered this Letter to the King. Whereupon two of the guaird were directed to bring him to *Saint Andrews*; which was done with diligence. He was Deprived and Confined in *Aberdeen*. The Words of the Letter, that offended the King and the Bishops most, were these, *Et tricus suis se oblectent Anglici Praefules*.

Mr David
Calder-
woods
troubles.

Mr David Calderwood was called on, and the Conclusion of the Libels were read. To the first heed he answered, that understanding, that *Mr Archbald Simpson* was warded in the Castle of *Edinburgh*, for not presenting the roll of the names, he delivered it to him again. Neither had he time to seek any new Subscriptions, nor could he; because he had not the Protestation to present to the Subscriber The King demanded, what he had to answer to the other point, the assisting of that mutinous meeting. He answered, Sir, when that Meeting shall be condemned as mutinous, then it is time to me to answer for my particular Assistance. The Secrerar said unto him, *Mr David*, acknowledge your own rashness. In the mean time these, that were standing about, put upon him, and buzzed in his ear, saying, do this, come in the Kings will, you will find it the best, his Maj. will Pardon you. He answered to the Secrerar, that which they had done, was done with deliberation. What moved you to Protest? said the King. An Article concluded among the Lords of the Articles, answered *Mr David*. But what fault was there in it? asked the King. It cutteth off our General Assemblies, answered *Mr David*.

After the King had enquired, how long he had been a Minister, he said to him. Hear me, *Mr David*, I have been an older keeper of General Assemblies, then you. A General Assembly serveth to preserve Doctrine in puritie from Errour and Heresie, the Kirk from Schisme, to make Confessions of Faith, to put up Petitions to the King in Parliament. But as for matters of Order, Rites, and things indifferent in Kirk Policie, they may be concluded by the King with advice of Bishops, and a choise number of Ministers. Next, what is a General Assembly but a convened number of Ministers. He answered as to the first point, Sir, a General Assembly should serve, and our General Assemblies have served these fiftie six years, not only for preserving Doctrine from Errour and Heresie &c. But also to make Canons and Constitutions of all Rites & Orders, belonging to the Kirk. As for the second point, as by a competent number of Ministers, may be meant a General Assembly; so also may be meant a fewer number of Ministers, then may make up a General Assemblie. It was ordained in the General Assemblie, with your Maj. own consent, your Maj. being present, that there should be Commissioners chosen out of every Presbytery, not exceeding the number of three, to be sent to a General Assembly; and so the competent number of Ministers is already defined. What needeth farther then, said the King, but to have protested for a Declaration, what was meant by a competent number? He answered, in pleading for the libertie of the General Assembly, we did that in effect. Then the King, having the Protestation in his hand, challengerh him for some words of the last cause. He answered, whatsoever was the phrase of speech, they meant no other thing, but to protest, that they would give passive Obedience to his Maj. but could not give active Obedience to any unlawfull thing, which should flow from that Article. Active and Passive Obedience, saith the King. That is, we will rather suffer, then practise, said *Mr David*. I will tell thee what is Obedience, man, said the King. The Centurion, when he said to his servants, to this man go, and he goeth; to that man come, and he cometh: That is Obedience. He answered, To suffer, Sir, is also Obedience, howbeit not of that same kinde: And that Obedience also was not absolute, but limited with exception of a countermand from a superiour power. *Mr David*, let alone, confesse your error, said the Secretar. He answered, My Lord, I cannot see that I have committed any fault. Then said the King, well *Mr Calderwood*, I will let you see, that I am gracious and favourable. That meeting shall be condemned before ye be condemned: All that are in the roll shall be filed before ye be filed, providing ye will conform. Sir, I have answered my Libel, answered *Mr David*, I ought to be urged vvith no farther. The King said, it is true, man, ye have answered to your Libel: But consider I am here, I may demand of you, when, and vvhat I vvill. He answered, surely Sir, I get great vvrong, if I be compelled to answer here in Judgement to any more then my Libel. Answer, Sir, said the King. If no better may be, I vvill answer to your Maj. I am informed, said the King. ye are a Refractor: The Bishop of Glasgow your Ordinar, & Bishop of Cathness the Moderator of your Presbytery, testifie, ye have kept no order, ye have repared neither to Presbyteries nor Synods, and is novvayes conform. He answered, Sir, I have been confined these eight or nine yeares. So my conformity, or non conformitie in that point could not be vvell known. Good faith, thou art a very knave, said the King: see these same false puritans, they are ever playing vvith equivocations. *Mr David* had alledged his confi-

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nement, to avoid a direct answer, because he was urged with other points, than was contained in the Libel. The Bishop of *Glasgow*, thinking to catch him in a snare, asked him, if ye was Confined, how were ye at the meeting in the song-School, where ye subscribed the Protestation? He answered, since I was confined, I obtained libertie, which was granted with exception of Presbyteries and Synods. That meeting was neither a Presbyterie, nor a Synod. Then some speeches past betwixt him and *Glasgow*, about the Relaxation, which was proclaimed for the confined within the Diocie of *Glasgow*. Then the King asked, if ye were relaxed, will ye obey, or not? He answered, Sir, I am wronged, in that I am forced to answer such questions, which are beside the Libel. Yet seing I must answer, I say, Sir, I shall either obey you, or give a reason wherefore I disobey: And if I disobey, your Maj. knowes, I am to lye under the danger, as I do now. Then said the King, remembering of his answer before, that is, to obey either actively, or passively. I can go no farther, said *Mr David*: And so he was removed.

When he was called-in again, his Relaxation was intimar to him, that he might repair to Presbyteries & Synods; & withall the sentence of Suspension from the Ministry till *October* next-to come was pronounced; and the Bishop of *Glasgow* ordained to Deprive him, in case he came not to the Synod at that time, and promised Conformitie and Obedience in time coming. Now said the King; ye have time to advise while *October*, whether ye will conform, or not: Ye need not take pains to studie a Text against Sunday for the people. Then said *Mr David*, I heard your Maj. this day, in the publick Disputations, disclaim the power of Deprivation *primario*. Suspension *primario* is a degree to Deprivation *primario*, & both are Ecclesiastical Censures. It was not I, man, that pronounced the sentence, said the King; it was the Bishop of *St Andrews*; I would have removed, but they would not let me. Then said *Mr David*, please your Maj. suffer me to speak to them. So he turned to the Bishop of *St Andrews*, and to these standing on his right side, and reasoned thus. Neither can ye suspend or deprive me, in this Court of *High Commission*: For ye have no farther power in this court, than by Commission from his Maj. His Maj. cannot communicat that power to you, vvith he claimeth not to himself. The King vvagging his head, and after rounding to the Secretarie, said to *Mr David*, are they not Bishops, and Fathers in the Kirk; and as Ecclesiastical Persons, clothed vvith the Kirks Authority, have power to Suspend and Depose. Not in this Court, answered *Mr David*. At vvich vvords there arose a confused noise: And therefore he extended his voice, that it might not be drovyned vvith the noise. And lest he should have been interrupted, uttered these vvords, all the power they have granted to them by the Act of *Glasgow*, which is all the power they can pretend to have from the Kirk, is only, that every Bishop in severall, associating to himself some of the Ministers of the bounds, vvhere the delinquent is, may Suspend, or Depose, and only in such and such cases. That is not done, cannot be done in this Court: therefore I misken your sentence.

After the King had rounded vvords to the Bishop of *St Andrews*, the Bishop said; his Maj. saith, that if ye vvill not be content to be suspended Spiritually, ye shall be suspended Corporally. *Mr David* perceiving the King had put the vvords in his mouth, turned to him, and said, Sir, my bodie is in your Maj. hands to do vvith it, as it pleaseth your Maj. But

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as long as my bodie is free I will teach, notwithstanding of their sentence. Then said the King, What? Man, Howbeit I take not upon me to pronounce the sentence; yet *Regis est cogere*: I have power to compel any man to obey the sentence of the Kirk, when it is pronounced. Sir, said Mr David, their sentence is not the sentence of the Kirk; but a null sentence in it self: And therefore I cannot obey it. Then Mr Law, Bishop of Glasgow, rounding in his ear, said, ye are not a wise man, ye wot not who are your friends. He rounded likewise to the Bishop, and said, wherefore brought ye me here? Others in the mean time were reviling him, and some called him a proud knave. Others uttered other speeches, which he could not take up for confusion of voices. Others were not ashamed to shake his shoulders. The King demanding in the mean time, if he would abstain from preaching for a certain time, in case he should command him by his Royal Authoritie, as from himself? He answered, thinking he had been still urging Obedience to the sentence pronounced, being disturbed by shaking, tugging, and confused speaking of those who stood by, I am not minded to obey. The King answered again, what, if I command you, will ye not obey? He answered as before, thinking still that his demand was relative to their sentence only. Then again the King said, will ye not obey? He still answered as before, not knowing, that he required Obedience to any thing, but to the sentence pronounced; Because the King repeated not his full demand in full termes. The King, mistaking him, as if he had obstinately refused to desist a certain time from teaching, for his own command, was incensed: And so he was removed the second time.

When he was called-in again, the sentence of Deprivation was pronounced, and he was ordained to be committed to cloffe Ward in the tolbooth of St Andrews, till his Maj. farther pleasure were known, as he took it: But as Mr Edward Merghel, Clerk to the High Commission, reported after, till farther order was taken for his banishment. The Bishop added, that he deserved to be used as Ogilvie the Jesuit, who was hanged for denying the Kings power. When he would have answered, the Bishop of Saint Andrews said, no answer. If ye will answer to any thing, answer to your Libel, said the Secretarie. He answered, My Lord, I have answered long since to my Libel. The King in a great rage crieth, away with him, away with him. He was much moved, that he got not libertie to answer: Yet in effect he opposed to the sentence of Deprivation, when he opposed to the sentence of Suspension, and alledged, that both were Ecclesiastical censures; and the like reason served against both. Mr David Murray Lord of Scoone taking him by the arme to lead him out, they stood a certain space before the Castle gate, waiting upon one of the Bailiffs of the Town. In the mean time Mr David said to Scoone, My Lord, it is not the first like turne that hath fallen into your hands. I must serve the King, said Scoone. Then said Mr David to the Ministers standing beside, Brethren, ye have Christs cause in hand at this meeting; be not terrified with this spectacle: prove faithful servants to your Master. Then came the Commissar, Master Thomas Henrifone, out of the Chappel, and upbraided him before the whole companie standing beside, Saying, fye on you man; what is this ye have done? Ye have said, ye will not obey the King himself, howbeit he should command you to cease from teaching for a time. Not so, said Master David. Yes, but it is true, said the Commissar.

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Then began *Mr David* to think, that belike he had mistaken one of the Kings demands. *Scoone* taketh him to his lodging, till the keyes of the Tolbooth were had. By the way one demanded at *Scoone*, where away with that man, My Lord? First to the Tolbooth, and then to the Gallows, said *Scoone*. So he was committed to cloffe ward. When he understood by some Brethren, that *Mr Thomas Henrysons* speeches were confirmed by a constant report in the Town, he penned a Declaration of his own minde, wherein he protested, that he conceived no farther, but that his Maj. only demanded, whether he would acknowledge the sentence pronounced by the Bishop; he was so disturbed by these who were standing about him, when his Maj. was speaking to him; and offered to obey his Maj. own will and pleasure that far. The Bishop of *St Andrews* presented the Copie to the King. When the King read the first part, he said, how could this be? the man had all his senses, the Devil nor he had been rid wood, and by his minde, & then I had not been so angrie at him. When he read the later part, he became more calme. But the Bishops incensed him again: For they could not be content to have Obedience to the Kings Command expressly distinguished from Obedience to their Censure. The Vicount of *Hadintoun* presented another Copie, at the intreaty of My Lord *Ramsay*. The King made a mark on the edge of it, and said, I will kenn it by this Mark amongst an hundreth; I shall advise upon it. But the Vicount was not careful to require an answer after that. The Bishops gave out, that *Mr David* had made a Recantation. Yet *Mr Walter Whytfoord* came to him upon Tuesday, a little before the King was to depart off the Town, with the Bishops minde, and desired him to acknowledge the Sentence. I shall rather suffer Banishment, answered *Mr David*. The Laird of *Corse*, after Bishop of *Aberdeen*, directed likewise by the Bishops to speak with him, as seemed, said, ye may obey an unjust sentence, howbeit ye acknowledge it not. How can I be silent, answered the other, seing I take their sentence to be null. Carrie they not their power vvith them, vvheresoever they go? said *Mr Walter*. Not, said *Mr David*: For then they might bring the power of the High Commission to the Synod. By this Conference the Reader may perceive, that his excuse of mistaking the Kings last demands, vvhen he vv as disturbed by those vvho stood hard about him, when he vv as sitting lovv upon his knee, vv as admitted; & the true cause of his trouble vv as a not-acknowledging of the sentence of the High Commission.

That same day afternoon, there vv as a charge given to transport him to the jaile of *Edinburgh*, to be detained there, till he finde Caution, acted in the books of the Secret Councel, for his departure out of the Countrey, conform to the Ordinance of the Councel given thereanent, subscribed by *St Andrews* and *Binning*. So ye see, the said *Mr David* is ordained by Act of Councel to be banished, for not acknowledging the sentence of the High Commission; his cause & reasons never being heard before the Councel: And that the Councel fortifieth the High Commission, vv which otherwise vvould be little regarded.

After that the three Ministers were deprived, that same night *Mr Iohn Hall*, *Mr Patrick Galloway*, *Mr William Struthers*, and *Mr Andrew Ramsay*, Ministers of *Edinburgh*, being called-for, craved his Maj. favour on their knees; and declared, that if they had known, that his Maj. would have taken offence at them for their conveying, and

The Ministers of Edinburgh recant.

sub-

subscribing the Protestation, they would not have done it: And so got a kisse of the Kings hand.

The day following, that is, the Lords day the 13. of *July*, the Ministers of sundrie Synods convened after-noon. The King called the Bishops, Dolts and Deceivers: Because they had made him beleeve, that they had dressed all matters so, that he had no more ado, when he came in the Countrey, but to give his presence. To please him they presented to the Ministers convened the five Articles, which were after concluded at *Perth*. The Ministers refused to meddle with these matters, and referred them to a General Assemblie.

After the charge sent to the Bailiffs of *St Andrews*, *Mr David Calderwood* was delivered to two of the guard, to be transported to *Edinburgh*. Howbeit sundrie offered themselves Cautioners for him, that he should depart out of the Countrey, the Ordinance of the Council could not be had, whereby they might understand the summe, or time appointed. Neither *James Primrose* Clerk to the Secret Council, nor his servant *Laurence Keir*, who was at *St Andrews* in the mean time, when the charge was given, had any such Ordinance; nor could the said *Mr David* get liberty upon Caution, to remain in the Town, till the appointment of the Council was made manifest. So he was forced to enter, and remain in the jaile. Yea it appeareth there was no Ordinance of the Council at all for his Banishment, notwithstanding of the charge abovementioned, subscribed by the Bishop of *St Andrews*, and My Lord *Binning* Secretarie. The Bishop of *Saint Andrews* promised, when he came to *Edinburgh*, to give a warrant to the Bailiffs to let him out upon Caution, that he remained in the Town till his departure. But when he came, for no intreatie would he give such a warrant. Yea, he confessed afterward to *James Cranstoun* son to My Lord *Cranstoun*, that the King had a purpose to keep him in cloffe ward, till a ship were ready to have him conveyed out of ward to the ship immediarly, and then first to *London*, and thence to *Virginea*. *Mr David* renewed his Supplication, and imployed *James Cranstoun* sonne to My Lord *Cranstoun*, who was directed by his Parents to visit him, to carrie it to Court. He attended eight dayes in *Stirling* & *Glasgow*; no man would offer to present it; but *Robert Hay*, one of the bed Chamber, who presented it secretly. The King answered, that he and the Bishops had concluded what should be done in that matter. The Bishop of *St Andrews*, notwithstanding of his faire promises, undermined the Gentleman, and was his Secretemie. The effect of the Petition was, that it would please his Maj. to set him at libertie, and to relax him from the sentence of Exile, seing he was readie to desist from teaching till *October*, as his Maj. had willed; and had yeelded at the first, if he had taken that to be his Maj. demand. Howbeit he could not obtain a relaxation from the sentence of Exile; yet through importunitie among Noblemen, Courtiers, Counsellours, he obtained this Following.

No dealing for M. D. Calderwood a-vaileth.

Apud Glasguam 27. die mensis July, Anno Domini millesimo sexcentesimo septimo.

The whilk day, in presence of the Lords of the Secret Council, appeared personally *James Cranstoun*, sonne to *William Lord Cranstoun*, and acted and obliged him and his heirs as Cautioners and Sovertie for *Mr David Calderwood* Minister at *Crailing*, that the said *Mr David*,

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betwixt the date hereof, and the feast and terme of Michaelmas next - to come, shall depart and passe forth from his Maj. Dominions, and not return again within the same, without his Maj. licence first had and obtained thereto, under the pain of five hundreth merks, *Extractum de libris Actorum secreti Concilij &c.*

Upon this act *James Cranstoun* purchased a warrant to the Provost and Bailiffs of *Edinburgh*, to set the said *Mr David* at libertie. He was no sooner gone home, but a Letter was sent to him, penned by *James Primrose*, to intimat to him; that it was his Maj. will, that he should forbear to preach, during his stay within the Countrey, and that that should have been expressed in the Act as one of the Conditions. He willed him to beware that he involved not himself in any trouble, and so frustrat the hopes of his Relief, and Reconciliation. The Chancellour & Secretarie chided him for omitting that Condition, fearing the King should have blamed them. But it was *Mr Davids* minde howsoever to have desisted till *October*, because of his offer he made to the King, both in his first, and second petition. That offer, as the case stood with him in the meantime, he thought expedient, both to eschew the imputation of contempt, in refusing directly to obey his Maj. own Command, and to satisfie the King in some measure; Because he would not acknowledge their sentence, or that the King himself had power to sententiat in that matter as a judge. Yet doth he not justifie himself in that offer altogether: For it may be justly doubted, whether he might lawfully desist from teaching for a short space, for the Kings own request or command. *Mr Robert Bruce* his Conscience checked him so sharply, for promising to desist but ten dayes, at Chancellour *Setouns* request, that he was cast in a fever.

Mr David went with *My Lord Cranstoun* to *Carlisle*, where *My Lord* presented to the King a petition, in his favours, that he might be confined within his Parish. The King inveighed against *Mr David*, and at last repelled *My Lord* with his elbow. Within two hours after he insisted again, when the King was to depart out of the Town, and sought a Prorogation of the time, appointed for *Mr Davids* departure, to the last of *April*, because of the winter season; and that he might have leasure to lift up the years stipend, wherein he served. The King answered, howbeit he begged, it were no matter, he would kenn himself better the next time. As for the season of the year, if he drowned in the seas, he might thank God that he hath escaped a worse death. Yet *My Lord* being importunat for the Prorogation, the King answered, I shall advise with my Bishops.

libertie for
Recreations on the
Sabbath.

When the King went through *Lancashire*, he rebuked some of the sincerer sort of the Ministerie, for hindering lawful Recreations and honest exercises upon Sundayes, and other holy dayes, after the afternoons Sermon or Service, and gave order, that the people should not be debarred from lawful Recreations at these times. This libertie was extended afterward to all the Shires within *England*, as the Declaration, set forth in print the year following, beareth.

My Lord Cranstoun gave in a petition to the Councel for a Prorogation of the time of *Mr David Calderwoods* departure. The Lords would not meddle with the matter, but referred it to the Bishops. The Bishops would do nothing, unless they conferred with *Mr David* himself. *Mr David* went and conferred with the Bishops of *Glasgow*, *Ross*, *Orkney* and *Cathness*, in the Bishop of *Glasgowes* lodging, and had with him to

bear

near witness, *Mr William Struthers*, *Mr William Cranstoun* and *Mr Michael Cranstoun*. The Bishops refused to write to the King for a Prorogation, unless he would condescend to three things. 1. To confesse he had offended his Maj. and to crave Pardon for his offence. Next, to repair to the Presbyteries. 3. To repair to the Synods. He answered, he was never against the repairing to the Presbyteries: he would advise upon the repairing to the Synods. He would not simply nor in general termes confesse he had offended the King, lest the General termes might be applied to any Particular, which was in question that day, when he was before the *High Commission*. Neither could he confesse, that in any Particular he had offended, except in answer to his Maj. last demand, which he mistook, if error or mistaking may be called an offence. When they urged him to repair to the Synods, the Bishop of *Glasgow* said, he should have libertie to Vowe and Reason; but he must not quarrel every thing. *Mr John Abernethie*, Bishop of *Cathness*, said, come and say *hic sum*, and then do as you please. He answered, that *hic sum* is the question. Then said the Bishop of *Glasgow*, we will not enter in disputation; yet I would hear, wherefore ye will not grant to repair to the Synod? *Mr David* proved by *Jesuits*, *Canonists*, and their own Act of *Glasgow*, that their Diocesan Synods were but Episcopal Visitations; not Councils properly so called: And howbeit Councils, yet not free Councils, in respect the Bishop had power over every Minister in the Synod apart from the Synod, was Moderator in respect of his Episcopal Office, was not countable to the Synod, and we had no ordinarie General Assemblies to take order with them. The Conference continued from nine at night till eleven. At parting, they desired him to advise upon better answers. He set down his answer to their Articles in writ. My Lord *Cranstoun* went down to *Mr Patrick Galloway's* house, where some of the Bishops were at dinner, and intreated them as before. They answered, it beoved *Mr David* to answer otherwise: he must confesse his fault simplie, repair to the Synods and Presbyteries: And some added, he must promise Conformitie. Some craved a promise, that he should not write against the established Order of the Kirk. Farther, said they, his answers must not be called answers to the Articles, proponed by the Bishops; but offers made to the Bishops. *Mr Patrick Galloway* said, My Lord, I will summe up in two words all that he should do: Let him confesse simplie, that he hath offended the King; and promise conformitie. My Lord was much moved, because he thought himself mocked by them.

My Lord *Cranstoun* sent the offers to the Bishops. Howbeit they were not content; because he would neither confesse a fault for the Protestation, nor promise Conformitie, nor acknowledge the Sentence, pronounced by the *High Commission*. They affirmed, that they had written in his favours, and set down in their Letter the substance of his offers; and to move the King alledged, that they hoped for his Conformitie; howbeit they had no hope at all. The next Council day, that is, the tenth of September, because answer was not returned, and the Council was not to sit again while Michaelmas, the time appointed for *Mr David's* banishment, My Lord *Cranstoun*, at the desire of *Mr David*, gave in a new Petition to the Council, for his confinement within the Parish, or else Prorogation to the last of April, in respect the Bishops had written a Letter to the Bishop of *St Andrews*, who was at Court, in his favours,

and

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and the Council was not to sit again till Michaelmas, the time appointed for his Banishment. When the Petition was read, the Chancellour said we cannot meddle in these matters, it belongeth to the Bishops, what they do in it, we shall allow. So *Mr David* was left again in the hands of the Bishops. The Bishops condescended after intreatie, that he should have twenty dayes leature after the return of the answer from the Bishop of *St Andrews*; or if it were not returned, twenty dayes after the return of the Bishop of *St Andrews* himself, to prepare himself for his departure, in case the Prorogation till the spring were not granted by his Maj. The Bishop of *St Andrews* returned about the end of September, and reported, that the King would hear no man speak of that purpose, & that when any of the English Ministers came to him to congratulate his return, his common speech to them, was; I hope ye will not use me so unreverently, as one *Calderwood* did in Scotland. But this is not the first of his fictions. My Lord *Cranstoun* wrote to him to procure Confinement, or Prorogation till the spring. The Bishop took God to witness, that he had suited earnestly for a supersedere till March, but could not prevail: And yet before he said, that the King would hear no man speak of that purpose. And if the Bishops had written up, that they had some hope of his Conformatie, as they alledged, is it likely that the King would not have granted a Prorogation till the spring? *Mr David* went home to prepare himself for his departure, thanking God he had used all lawfull means, vvvhich vvvere possible, to remain vvwith his ovvn Flock at home. The Bishops reported, that all the question betvvixt them and him, vvvas for repairing to Diocesane Synods; vvvhich vvvas untrue. Neither did they promise to procure full libertie, in case he vvould promise to come to Diocesane Synods; but only that they vvould suit for a Prorogation till the spring, in case he vvould yeeld to the three Articles proponed to him: And when the Prorogation were expired, were purposed to urge farther. Howbeit he was resolved not to repair to Synods, yet he manifested not his resolution; but required a time to resolve, and to give his last answer, partly lest they should reject all suits made for him, partly to try if they would suffer him to teach in the time of the Prorogation, without acknowledgment of their sentence of Suspension and Deprivation, that so they might kyth in their own Colours: For this was the point, together with full conformatie, which they were seeking. Mindful vvvere they of the vvords *Mr David* had uttered in the meeting in the new Kirk, in time of the last Parliament. *Mr John Abernethie* vvvas not idle by his instigations: For he being Minister at *Jedburgh* a Town in the South, and Bishop of *Cathness* a Diocie in the remotest part of the North, thought he could not sit at ease in *Jedburgh*, if *Mr David* vvvere suffered to stay at home at *Crailling*, a village distant but two miles from *Jedburgh*.

The Assembly holden at St Andrews.

The Bishop of *St Andrews*, vvhen he came last from Court, reported, that the King vvould have a General Assembly, and the five Articles reasoned, and concluded; but vvould not appoint time or place, till the Commissioners vvvere chosen. This vvvas done of purpose, that the Assembly might be indicted, or not indicted, as the Bishops should finde, vvwhether the Commissioners chosen might serve, or hinder their purpose. They held their Diocesane Synods for the most part in the moneth of October, vvwhereat vvvere chosen Commissioners for the General Assembly, vvvhich vvvas to be indicted. A Preposterous order, but agreeable vvwith the corrupt course, vvvhich the Bishops had in hand: For they vvwould not

indict

indict an Assembly, while they were first acquaint with the names of the Commissioners, who were chosen in their presence, and where they had Authority. So there was no freedome in the Election: a sufficient exception against the Assembly. Yet there were some nominat by the Brethren of *Fife* in the Diocesan Synod, holden at *St Andrews* the fifth of *October*, who misliked the Episcopal Government: But the Bishop would not allow their nomination. Upon the fourth of *November*, the General Assembly was indicted by open Proclamation, and sound of trumpet at the mercat crosse of *Edinburgh*, to be holden at *St Andrews* the twenty fifth of that same moneth. This intimation was not timous, nor sufficient. Seven Diocies, as we were informed, were absent, & that through default of timous warning: which is another exception against this Assembly: For all that have Interest Ought to have been timously warned. The Earle of *Montrose* was appointed by the King to be Commissioner. But he excused himself with sickness by a Letter, sent to the Council four or five dayes before the time appointed for the Assembly. The Council sent the copie of the Letter to the Bishop of *St Andrews*. He returned answer, that the Kings service must not be neglected. So the Lords of the Secret Council gave Commission to my Lord *Binning* Secretarie, My Lord *Carnegie*, My Lord *Kilsyth*, the Lord Advocate and the Treasurer Deput conjunctly, or to any three of them, to supplie his place.

The first day of their meeting, *Mr Gladstones* Archdeen of *St Andrews*, teaching in the morning, exhorted the Brethren of the Ministry to do nothing, which might procure the stopping of their mouthes. *St Andrews*, teaching beforenoon, alledged, that our first Reformers had in effect embraced Episcopal Government many years, and had continued the same, if the death of the Regent, the Earle of *Marr*, had not intervened; & that a seditious fiery man *Mr Andrew Melvine* came home to disturb all good order. So impudent and shamelesse was the man, who in former times durst scarce open his mouth in his presence. He inveighed bitterly against many worthie men of the Ministry, who were then resting from their labours; and said, some of them were profane men, and worthe to be hanged. He forgot not the seventeenth day of *December*, howbeit he approved the Apologie of the Ministers of *Edinburgh* in the mean time, and set a sharper edge upon it himself. Sundrie Brethren purposed to have challenged him. In end *Mr John Knox*, Minister at *Melros*, was directed to admonish him. He accepted the gentle Admonition; and in a manner gloried, that no man durst be sharp with him.

After the reading of the Kings Letter, wherein he willed them to conform to his desire, declaring that otherwise he would use his own Authority; The Brethren of the Conference were chosen. The King and Bishops purpose was withstood, both in the Privie Conference, & publick Assembly. The Bishops were grieved, and desired, that some Brethren might be appointed to consider, what might be done to grant his Maj. satisfaction. *Mr Patrick Galloway* and some other were appointed for this purpose. These devised those overtures following. *First*, that the Communion be given severally to every man out of the Ministers hand. *Next*, if there be any sick Person, who had been bedfast the space of a year, the Minister of the Parish being earnestly requested, should minister the Communion to him, in presence of six Elders, and other famous witnesses. *Item*, to write to his Maj. in all Humilitie, to hold them ex-

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cused in that they had not granted the five Articles, and to promise to travel for farther information to give his *Maj.* satisfaction, so far as in them lay. How these Overtures pleased the Assembly, may be seen by the effects: For by reason of the shortness of the time, sudden convening of the Assembly, absence of many Diocies and Commissioners from sundrie Presbyteries, the Articles were rather remitted to farther inquiry, than any thing perfectly concluded. Yet I have here subjoined so much as I have found in the Clerks Scrollles.

Acts Saint Andrews 1617.

If any good Christian, visited with long sickness, and known to the Pastor, by reason of his present infirmitie, unable to resort to the Church, for receiving of the Holy Communion; or being sick shall declare to the Pastor upon his Conscience, that he thinketh his sickness to be deadly, shall earnestly desire to receive the same in his house, the Minister shall not deny the same; so as lawful warning be given to him, at the least twentie four hours before, and that there be six Persons at least of good Religion and Conversation, free of lawful impediment, present with the sick Person to receive; who must also provide a convenient place in his house, and all things necessary for the Ministers reverent administration thereof, according to the order prescribed in the Church.

To remedie the irreverent behaviour of the vulgar sort, in receiving the Holy Communion, it is found meet by this Assembly, that the Minister himself shall in the celebration give the elements out of his own hand to every one of the Communicants, Saying, when he giveth the bread, Take, Eat, this is the bodie of the Lord *Jesus Christ*, which was broken for you; do this, in remembrance of him: And that the Minister exhort them to be thankful. And when he giveth the cup, Drink, this is the blood of *Jesus Christ* shed for you; do this in remembrance of him: And that the Minister exhort them to be thankful. And to the end the Minister may give the same the more commodiously, he is by advise of the Magistrates, and honest men of his Session, to prepare a Table, at the which the same may be conveniently ministred, and gravely to exhort his people, that they Communicat reverently, and shew a humble and religious behaviour, in the receiving of the same.

Anent the remanent of the Articles proponed to the Assembly, the Assembly after long reasoning, in special anent preaching upon the dayes of the Nativitie, Passion, Resurrection, Ascension of our Lord, and Descending of the Holy Spirit, having considered, that a great number of Commissioners from Synods, Burrowes, and Gentlemen, in respect of the season of the year, distance of the place, and shortness of the advertisement, would not be present; and that the most part of those, who were assembled, are not resolved fully in some of these points proponed; and that they all are in all Loyaltie & Obedience most willing to give his *Maj.* all satisfaction, & have agreed and promised to informe themselves anent the said Articles, whereof they presently stand in doubt, and to instruct their People, Elders and Parishoners by all means, that all offence, which may be taken, may be removed, have thought good, that (beside the two points, which are concluded, especially to give remonstrance to his *Maj.* of their most willing affection) the rest of the said Articles shall be continued to the next Assembly; and to that effect, that a most humble

Supplication may be directed by his *Maj.* Commissioners, and the General Assembly, that it may please his *Maj.* of his gracious favour to grant a continuation, and to convocat an Assembly for decision of the matters, at such commodious times, as his *Maj.* shall think expedient.

Immediately after the dissolving of this meeting, *Mr Andrew Ramsey*, one of the Ministers of *Edinburgh*, declaimed publickly in the great Kirk against the Innovations, which were like to be brought in: But afterward he became a defender of them both by word and practice, a bitter and foolish inveigher against all that withstood them.

Upon the tenth of *December* *Mr Archbald Simpson*, Minister of *Dalkeith*, who was confined in *Aberdeen*, compeared before the Bishops in *Edinburgh*, confessed he had offended, in that he had called the Ceremonies of the English Kirk, *trikas*, in his Letter sent to the High Commission in *July* last; and so obtained libertie to return to his own Kirk.

Upon the fourteenth of *December* *Mr Alexander Forbes*, sometime Bishop of *Cathness*, but of late Bishop of *Aberdeen*, departed this life in *Leith*. Fain would he have uttered some thing to the Bishop of *St Andrews*. But he being loath to leave his playing at the cardes, howbeit it was the Lords day, the other departed before he came. The Bishop was nicknamed *Collie*; because he was so impudent and shameless, that when the Lords of the Session and Advocats went to dinner, he was not ashamed to follow them in to their houses, uncalled, and sat down at their table.

The Commissioners, appointed by the Parliament to see the plantation of Kirks, and modification of Ministers stipends, convened in *Edinburgh* the first of *November*, and held their meeting till neer Christmas. Time was protracted, and means were used to move Ministers, with hope of augmentation of their stipends, to condescend to the five Articles. They dissolved the sooner, because it behoved every Bishop to repair to his own Diocie, and teach upon the Nativitie of Christ, in their Cathedral Kirks, upon the twenty fifth of *December*, as the King had directed them.

The Bishop of *St Andrews* preached in the great Kirk of *Edinburgh* upon the 25. of *December*, and laboured to prove the observance of festival dayes to be lawful. *Mr William Couper*, Bishop of *Galloway*, preached as Dean of the Chappel-Royal in the Chappel, where there was playing upon Organs. So the Bishops practised novations, before ever they were embraced by any General Assemblies: And therefore ought to have been secluded from voting afterward in that matter, and condignly censured.

Sundrie rumors went in the moneth of *January*, that the King was highly incensed at the Bishops, specially at *Saint Andrews*; (so like) because the five Articles were not yeilded unto: And at the Ministry, for driving of time. But he will let the Kirk of *Scotland* know, what it is to have a do vvith an old King, or to abuse his lenitie: That he would have no Convention of Ministers to treat in time coming of the matters of the Kirk, but only the Bishops, and such of the Ministry as they shall think meet to assume to themselves: and that there vvas a warrant sent down from the King, to discharge Presbyteries, and Sessions of Particular Kirks, as mutinous Conventions. These reports were spread to prepare a vway for the five Articles. The Bishop of *Saint Andrews* convocat the Bishops, and the Ministers that were in

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M. A. Ramsey his inconstancie.

M. A. Simpson set at libertie.

M. A. Forbes Bishop of Aberdeens death.

The constant plat.

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A sudden meeting of the Bishops and Ministers.

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Edinburgh for the time, upon the 26. of *Januar* in the Little Kirk. The Kings Letter was read, wherein he manifested his will and pleasure, that the Ministers of *Edinburgh*, in special the Bishops themselves, and such others of the Ministry, as might be had for the present to convey with them, should approve the five Articles: And if they testified not their consent in writ, that the Bishops Suspend them from their Ministry, & their stipend. The Ministers answered, that in respect the matter was of great importance, and the manner of proceeding somewhat sudden and violent, it behoved them to be advised with the Brethren of the Ministry, and they should do what in them lay, to give his *Maj.* satisfaction. It would be demanded here, how could the King know, whether any Ministers of the Countrey were to be in the Town, when his Letter should be presented to the Bishop, unless there had been a diet appointed? It was likely, that the Letter was procured by the Bishop himself; or that he had some blanks lying beside him to fill up as occasion required.

A proclamation for observing of holy dayes.

Upon the 28. of *Januar*, there was commanded by publick Proclamation, at the market crosse of *Edinburgh*, an Universal Cessation & Abstinence upon Christmas day, good Friday, Pasch day, the day of Christs Ascension, and Whitsunday, to the effect the Subjects may the better attend the Holy Exercises, which his *Maj.* with advise of the Fathers of the Kirk, would appoint to be kept at these times in the Kirk. All manner of husbandrie and handie-labour was discharged, with certification, that the contraveeners shall be punished with all rigour, as disobedient & rebellious Persons, contemners of his *Maj.* Authoritie. Here ye see observing of Holy dayes commanded, notwithstanding the General Assemblie had not yet consented; and Acts of Parliament against them were standing yet unrepealed.

Corse his Letter to the Bishop of St Andrews.

When the Bishoprick of *Aberdeen* was offered to *Patrick Forbes*, Laird of *Corse*, he sent this Letter following to the Bishop of *Saint Andrews*.

Right Honorable, and my good Lord, your Lordships Letter to me, and therein enclosed his *Maj.* Letter to your Lordship, was delivered to me the thirteenth of *Februar* at night, whereby as I had good notice in what loving and gracious estimation his *Highness* hath me, his unworthie servant, giving thereof evidence in so liberal and princely an offer of high Employment, which is seconded with your Lordships Congratulation, and serious encouragement of undertaking; so if I should not make high account thereof, I might be esteemed the most ungrate and senselesse among men. Neither can my refusing of so undeserved, unsought-for, and unexpected favour, but draw upon me the imputation of an inexcusable misregard. if I be not mistaken in the Reason of my hesitation, wherein I am so far from disallowing the Office and Degree of a Bishop (as here-upon men might apprehend) that they being rightly elected, and defined with such moderation of Place and Power, as may put restraint to excessive Usurpation, and practising accordingly, I think it not only a tolerable, but even a laudable and expedient Policie in the Church, and very well consistig with Gods written word, the only Rule whereto all the affairs of his house should be levelled. Neither would I have your Lordship, or any man else to think, I being so far resolved in the matter it self, that because what through prejudices possessing the mindes of many, (otherwise zealous and Godly men;) what through the miscarriage perhaps of some men in that calling, hath fallen to be disliked of diverse,

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as my undertaking thereof should make no better in their account, nor a *Demas*, who for imbracing of the world, was sliding away from sincerity, and all care of a good Conscience. That therefore either for currying the applause of men, or for eviting of manifold misconstructions and misdeemings, I would earnestly decline the Calling. I know very well, how great a sin it is to offend one of the least ones that beleeverth in Christ: But with that I know also, that he is a man of a very weak and unstayed Conscience, who is either so tickled with popular applause, as to be carried be guesse to a thing without light, thus to strengthen a common giddiness; or is so terrified with misconstructions, as therefore to omit any dutie, which the Honour of God, or good of his Church requireth of him. I know we must walk through good report, and evil report; and he is a very unfit man for a good purpose, either in Church, or State, *qui ponit rumores ante salutem*. I know how far I have been suspected already. Some (otherwise good and holy men) because my calme, moderate and equal carriage, in our bygone distraction, agreed not with the vehemencie of their minde, thought, that therefore, forsooth, I was taken with the love of such things, as (God knoweth) both were, and still are far from my heart. But being privie to my self, and having the testimonie of him before whom I walked, upon what respects, in so common, and, as I think, so hurtful a heat on both sides, I have walked so equally and amicable with all men, I will never, God willing, repent me of that manner of carriage. It is not for me in this age, whereto I am come, having been so strangely exercised under the hand of my God, as I stand a gazing stock to the world, and windshaken reed, and weather-beaten windstraw, to minde earthly things now, which the Lord hath so far disgusted to me, and me to them also. If I durst choose my own course, I had rather have a Cottage in some wilderness, wherein to drive out the remanent of my dayes, then to be brought any more unto the view of the world, and in the mouthes of men. And if I were so vain as to beset for Honour, Ease or Commoditie; yet Alas! What Honour could I look for, by accepting a Bishoprick, whereby the mindes of men, who now both honour and reverence me, above either my place or merit, shall be turned to account me a corrupted man, and ambitious aspirer? What Ease might I expect in so toilsome a task, & heavie Charge? What could be my Commodity in so dilapidat and dissipated an Estate? Yet, as in this Calling there is none of these to allure or tempt me, or any man having sense, so I protest uprightly, it is neither the fear of disgrace, or unease, or discommodity, that maketh me decline the Charge. I lay no count for any ease in this life, but the ease of a good Conscience. I never preached the Gospel for worldly gaine, nor to this hour hath made any gaine of that sort, whereby my reward is before me, and I hope my Lord shall hold my heart still fixed on him. And as for misconstructions I might incurre with men, (if there were no other thing to divert my minde) I would hope by the grace of him, who is best acquainted with my inwards, so to carrie my self, as in short time not only to rub away any conceived prejudice against my Person; but even to make the most averse to think perhaps more equitable of the calling also. For howsoever I neither dare, nor will condemn the judgement or dealing of those men, who at the first, while the matter was in deliberation, did modestly oppose to the erecting of Bishops in our Church, the experience of tyrannical usurpation giving in former times no small Reason to refuse the like evil hereafter. Yet now they being

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established, and set at the Rudder of our Church, I am so far from the judgement of them, who would have no Godly nor singularly gifted men to accept of them, that I think it so far from a well informed zeal, as it is rather in my judgment a sort of transposition with the love of their own Opinion; that rather than any other thing disagreeable to their opinion, should obtain place in the Church, or be graced by any mans well doing, they will put us rather in perill to have no Church at all, by leaving these rooms exposed only to Belligods, Hirelings & Sycophants, to the undoubted hazard of their own personal miscarriage; as also of filling all the places of the Church with the off-scourings of the world, and the dregs of men. Neither can I deny, but that (as your Lordship wrote to me) I have any other affair, and warrantable calling, so as if no other thing did stay my resolution, I could hardly in conscience make exceptions against it. This is that, my good Lord, which maketh all my scruple, the present condition and course of things (and we cannot tell how far a farther novation in our Church is intended) so peremptorily and impetuously urged on the one part, and so hardly received on the other, as betwixt these extremities, and the undertaking of a Bishoprick, I see no option left to me, but either to incurre his *Maj.* Displeasure, which is the rock under Christ I am loathest to strike on; or then to drive both my self, and my Ministry in such common distast, as I see not how hence-forth it can be any more fruitful. I dispute not here of the points themselves; but I am perswaded, if so wise, so learned, and so religious a King, as God hath blessed us with, were fully and freely informed, or did thoroughly conceive the sad sequel of inforcing on our Church, that neither in the points already proposed, nor in any which we fear yet to ensue, for this intended conformitie, would his *Maj.* esteem any of such fruit or effect, as therefore the state of a quiet Kirk should be marred, the mindes of Brethren, who for any bygone distraction were beginning again to warme in mutual love, should be of a new again, and almost desperatly distracted, the hearts of many good Christians discouraged, the resolution of many weak ones brangled, matter of insulting ministred to Romanists, and to profane Epicureans, of a disdainful deriding of our whole Profession. Your Lordship remembers the other year, when my Lord of *Glasgow* and *Ross* refreshed our mindes with a very grateful relation of his *Maj.* Royal Care and Zeal towards our Church. One speech specially cheared our hearts, wherein his *Maj.* had exhorted us to mutual concord among ourselves, and that he should never urge any thing upon us, that might disturb our quiet; whereupon we were all joyfully erected to the certain hope of a solid Peace. Might it please God to hold his *Maj.* minde on this resolution, I think then in that calling men might do God and his *Maj.* good Service; and be answerable for a peaceable and well governed Church, for preservation of unitie in sound Doctrine and Holy Worship, and for as obsequious and loving (though poor) Subjects, as any King of the world might glorie of. If wherein our Kirk seemeth defective, his *Maj.* would so far pitie our weakness, and tender our peace, as to enforce nothing but which first in a free and National Councel were determined; wherein his *Highnes* would neither make any man afraid with terrour, nor pervert the judgement of any with hope of favour, then men may adventure to do service. But if things be so violently carried, as no end may appear of bitter contention, neither any place left to men, placed in rooms; but in steed of procuring Peace, and reuniting the hearts of the Brethren, to

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stirre the coales of detestable debate: For me, I have no courage to be a partner in that work. I wish my heart blood might extinguish the ungracious rising flamme in our Kirk. But if I can do nothing for the quenching of it, then I would be heartily sorie, to add fewell thereto. And this it is (my very good Lord) which only terrifieth me from undertaking that, which otherwise for the Zeal of Gods House, with all hazard and with all my heart I would embrace. So as your Lordship shall very much oblige me unto you, if with his *May.* favour, and your Lordships good contentment, I may be permitted to retain a privat Ministry, carrying with it no more difficultie, but to answer well for my own personal carriage, and not to undergo the necessitie of not only being my self an Actor, but either an Urger and Adactor also of my Brethren to the things, which shall be against their minde, and perhaps against my own light also; or then to incurre dangerous indignation. And in any case your Lo. well knows *Turpius ejicitur quam non admittitur hopes.* I may perhaps appear to your Lordship, to build up to my self idle and unnecessarie tears. But I have in all singleness laid before your Lo. my whole minde, which I remit to your Lo. wise Consideration. Beseeching God so to direct this whole Matter, as he may have glorie, his Kirk may have good, and I may enjoy the Peace of a good Conscience. And thus commending your Lo. heartily to the gracious direction, and effectual blessing of our Lord, I rest,
Keith, 16. Februar 1618.

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This Hypocrite conveyeth his Answer after such a form, that the Bishops might easily perceive, that he would accept the Bishoprick *volens, volens*, as it was said of old, Nay farther, he thinketh that his accepting might grace the Office. He pretendeth he is loath to be an urger of Ceremonies upon others; yet notwithstanding none was so readie to consent at *Perth*. In the Diocesan Synod holden after in the Year 1617. when the King did urge no Ceremonies, Yet he threatned the Ministers of his Diocie, saying, ye think there will be no more dinne of Conformitie, beguile not yourselves, I shall make the best of you conforme. He became so vehement, that he would have all counted Schismatics, that will not communicat at the Communion, celebrat after this new form; and to be excommunicat as hereticks, that maintain, that kneeling in the Act of receiving the Sacramental Elements of Bread and Wine, is Idolatrie. It is known very well, that he undertook not the Ministry, till Bishopricks were in bestowing, and that he could finde no better mean to repair his broken Lairdship. He pretended, he would not enter, but upon such and such Conditions; yet he entered by Election of a Chapter, and without swearing to the caveats, and just after the same manner that the rest did.

Corrie his
hypocrisie.

Three or four dayes before good friday, the Provost and Bailiffs of *Edinburgh* were commanded by a Letter from the King to see that the inhabitants observed good friday, conform to the Proclamation. Upon the wednesday preceeding good friday, the Charge for observation of Holy dayes was again published at the mercat crosse. Upon good friday the third of *April*, the Magistrats of *Edinburgh* sent the Officers through the Town, to see that there were no work, nor trading: Yet there was no other preaching but ordinarie. But *Mr Couper* Bishop of *Galloway* teachd in the Royal Chappel, where sundrie of the Counsellours, and others convened, at the Kings direction. No Assembly had

The King
command-
eth good
friday to
be kept.

yeelded

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Kneeling
at the com-
munion
practised.

yeelded to Holy dayes: Yet the observation of them is urged to be put in practice.

Upon Easter day, the Communion was celebrat by sundrie Bishops in their Cathedral Kirks with kneeling, specially at *St Andrews*. The Bishop of *Galloway* ministred the Communion in the Royal Chappel, where Chancellour *Setoun*, Secretarie *Hammiltoun*, *Mr William Oliphant* the Kings Advocat, *Sir Gideon Murray* Treasurer Deput, *Sir George Hay* Clerk of Register and their follovers, to the number of fourtie'two Persons, did Communicat. About twenty dayes before vvhitsunday, the King vvilled the Lords of the Secret Council to prepare themselves vvith their friends and follovers to Communicat in the Chappel. So upon vvhitsunday the Bishop of *Galloway* ministred the Communion, in the Royal Chappel, to the Chancellour, the Secretarie, the Treasurer Deput, the Advocat, and others the Kings servants. The Bishop desired such as were present not to scarre from Communicating, for the offering vvich they were to give. So the Bishops practised the Ceremonies, as occasion offered, before the General Assembly had determined upon an answer to the King. This day *Mr Patrick Galloway*, teaching in the great Kirk of *Edinburgh*, allowed Preaching, and a Text chosen for the purpose; but not cessation from work or trading. He seemed so precise in former times, that he would not be content to be invited to a Christmas pye.

Advise to
the Synods

After the Assembly holden at *St Andrews*, the Bishops spread a report, that we would never have the libertie of a General Assemblie again. Whereupon some zealous Brethren of the Ministry in *Fife*, fearing that the five Articles should be proponed to the Synods in severall, peened the advice following.

*If we cast down that which we have builded,
We make ourselves transgressours*

When the five Articles shall be motioned in the Synod, for determination to passe thereupon, or farther preparation to that effect, Answer *negative*, for the reasons following.

1. The said Articles lye yet as rejected, and condemned by acts of General Assemblies, standing in force, and ratified and confirmed by acts of Parliament, and continual practice of this Kirk, these fiftie eight years by-gone. No Synod may, or ought to call in question, Innovat, or Annul the Acts of the General Assemblie.
2. The said Articles being moved in the last Assembly, holden at *St Andrews*, the same were thought to be of such importance, and the reasoning thereanent, that the Assembly resolved to lay over all to a full Meeting, and farther advisement.
3. Humble suits were made to his *Maj.* for a General Assembly, to be convened at a convenient time, for farther treating of the said Articles, whereof as yet the Kirk hath received no answer. In respect whereof, & of the dependents of these questionable matters, the Synod cannot in reason meddle with the same.
4. If a Synod should presume to meddle with Articles of that Nature, it were a just reason, to reject the whole members thereof from voting in a General Assembly, *nomine prejudicij*.
5. The short sitting of the Synod, the multitude of their ordinary af-

fairs,

airs, and the prejudice already committed *facto*, before any Conclusion agreed upon by the General Assembly, sufficiently closeth their hands from treating upon, or meddling with the said Articles.

If Synods shall determine anent the five Articles, it shall make a schisme in the Kirk of Synods and anti Synods: for howbeit the greatest part of the Synods determine one way, the rest are not bound to follow them: Because in a general order there ought to be Communication of reasoning, and Conferences before voting, which is not, nor cannot be done in several Synods; but in a General Assembly: Because they determine *non Communicatis consiliis & rationibus cum ceteris*.

Upon the last of July, the plat of the Commissioners, appointed by the last Parliament to modify & augment Ministers stipends, was dissolved, and the time of their Commission expired. They united sometimes two, sometimes three Kirks into one. The Bishops consented to these unions, to currie the favour of Noblemen and Gentlemen, or for gaine: For by these unions Multiplication of stipends was spared. At this plat, such as did promise to Vote to the five Articles, got a sudden dispatch: Others, for all the moyen they could make with the Noblemen, that were Commissioners, were postponed, and got either small, or no augmentation.

Upon the third of August, the General Assembly was indicted by publick Proclamation at the mercat crosse of Edinburgh. All Archbishops, Bishops, Ministers and Commissioners were warned to be at Perth the 25. day of the same moneth. After they had spread a report, that we should not have a General Assemblie again, to make Ministers secure & carelesse, they surprised them with this sudden indiction. When they had prepared Persons at the plat, or at Synods, or upon other occasions, then they thought it high time to have an Assembly. The Bishop of St Andrews, after the dissolving of the Assembly, said, that he was disappointed only of three Votes, which he looked for, of the men he looked should have been their friends. So well prepared had they their followers.

August. 25. 1618.

For Obedience to the Proclamation, and to the Kings Particular Missives, the Persons following convened at Perth the 25. of August 1618. his Maj. Commissioners, My Lord Binning Secretary, Lord Scoone, Lord Carnegie; their Assessors, Sir Gideon Murray Treasurer deput, Sir Andrew Ker of Fernihast Captain of the guard, Sir William Oliphant the Kings Advocat, & Sir William Levingstoun of Kilsyth; Noblemen, the Earle of Lothian, Lord Ochiltree, Lord Sanguhar, Lord Boyd; Barones, Wauchtoun, Ludwharne, Glenurquhart younger, Clunie Gordoun, Bonintoun-wood, Weemes, Balward, Balcomie, Balcarras, Balmanno, Bombie, Blackbaronrie, Lagg; Burgesses for Edinburgh, David Aikenhead, George Foulis: for Perth, James Aedie, Constance Malice: For Dundie, Mr Alexander Wedderburne younger, Robert Clayhills: For Aberdeen, Mr John Mortimer: For Stirline, Christofer Alexander: For Saint Andrews, John Knox, Thomas Lenton: For the Universitie of St Andrews, Doctor Bruce: Bishops, all except Argyle and Isles; Ministers, Commissioners from Presbyteries, or wanting Commission.

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6.

The Commissioners for the plat unite Kirks

Perth Assembly.

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Intimation was made in the Church of *Perth*, the Sabbath day preceeding, of a fast to be observed the first day of the Assembly, according to the order. The fast was little regarded, saving that two Sermons were made. The first in the morning, by *Patrick Forbes* Bishop of *Aberdeen*, upon *Ezra. 7:23*. He enlarged this ground, that nothing should be done, nor determined in the Church by any Superior power whatsoever, but that which is according to the Commandment of the Almighty King. The other at ten hours by *John* Archbishop of *St Andrews* in the little Kirk, upon *1 Cor. 11:16*. He discoursed for the space of two hours, *first*, in defence of Ceremonies in general: *Next*, of the five Articles in particular. What weight was in his discourse, may be perceived by conserting his Sermon, which is extant in print, with the confutations of all the reasons alledged at that Assembly, which are extant in print also. In his Sermon, he protested in the presence of God, that the five Articles were sent to him without his knowledge, not to be proponed to the Church, but to be inserted among the Canons thereof, which then were in gathering; that he humbly excused himself, that he could not insert among the Canons, that which was not first advised with the Church; and that he heard nothing of them afterward, till the Protestation was formed to be presented to the Estates in Parliament: That the King, taking advantage of their misbeheaviour, who penned the Protestation, & proudly stood to the same, resolved to have these Articles admitted in our Church. He said, he laboured, that they might be referred to an Assembly; which was obtained upon promise, that his *Maj.* should receive satisfaction: And that the promise was not made by him alone, but was ratified by others also of that number, who were at the Assembly at *St Andrews*. After the dissolving of the which Assembly, he with the rest of my Lords the Bishops excused the delay, that was made at that time; but their letter was evil accepted, and another returned full of anger and indignation. That he traveled at the Ministers earnest solicitation, by all the wayes he could, to divert the troubles, which before this time they would have most certainly felt. Therefore he concluded this part of his speech thus; let no man deceive himself, these things proceeded from his *Maj.* and are his own motions, not any others. Suppose it were true that he alledgeth, he & his fellowes were not the first devisers: yet they offered their Assistance and best Endeavours for their furtherance, when they were proponed. They were proponed before the Protestation was penned, as may appear by the contents of the Protestation it self. It is false, that the Ministers, who convened at *St Andrews*, promised any other satisfaction, then that which was agreeable to Reason, and so far as their Conscience would suffer them. What he, and his fellowes, and others their adherents, Promised, is not to be imputed to the rest.

There was set in the Little Kirk, a long Table, and fumes at every side, for Noblemen, Barones, Burgeses, Bishops, and Doctors; and at the head of it, a crosse Table with Chaires, for his *Maj.* Commissioners, and the Moderator. The Ministers were left to stand behind, as if their place and part had been only to behold. But this apparently was done of Policie, that they might carrie some Majestie on their part, to dash simple Ministers. *Mr Spotswood* Bishop of *St Andrews* placed himself, in the Moderators chair, without election. When *Mr George Grier*, Minister at *Hadintoun*, desired that the order of free election might be kept: The Bishop answered saucily, the Assembly was convened within

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the bounds of his Charge, wherein so long as he served, he trusted no man would take his Place. No farther reply was made to him, for fear of trouble.

After prayer, he notified to the Assembly, that *Mr Thomas Nicolson* ordinar Clerk, had dimitted his Office, in favour of *Mr James Sandelands*. He commended him as a man qualified for the Office, and readie to further Ministers in their actions before the Lords of the Session. So without formal election, or voting, after he had asked at the Kings Commissioners, some Noblemen, Bishops, and some Ministers, *Mr James* was called in, and his oath taken to be faithful & diligent in the discharge of his Office. Then the Brethren of the Ministry were warned to give in their Commissions, before the sitting down of the Assembly afternoon. So the names of the Commissioners were never known, nor called upon, that they might be known every one to another, till the voting of the five Articles, in the end of the Assembly; and then it was known, that many of them had not lawful Commission.

It was asked, whether all Noblemen, Barones, and Ministers that were present, should have power to Vote. The Bishop of *St Andrews* answered, no Ministers wanting Commission; but voice could not be denied to Noblemen and Barones, who were come upon his *Maj. Missives*. But that was not sufficient: For no Barones ought to have voice in the General Assembly, but such as are chosen Commissioners with consent of the Presbyteries, and one Baron only in the bounds of a Presbytery, as was ordained, the King himself being present, in the Assembly holden at *Dundie* 1597. The other part concerning Ministers was not observed.

The Bishops fearing, to be troubled with more questions, commanded silence, and required the Kings Letter, which was directed to the Lords of the Privie Council; and the Bishops, to be read. Doctor *Young* Dean of *Winchester*, by birth a Scottish man, presented the Letter. It was twice read in open audience, to move the Assembly to give may to the Articles. The tenor of it, as it was set forth in print by themselves, here followeth.

JAMES REX.

Right reverend Fathers in God, right trustie Cousines and Counsellors, and other our trusty and welbeloved Subjects, we greet you well. We were once fully resolved never in our time to have called any more Assemblies there, for ordering things concerning the Policie of the Church, by reason of that disgrace offered to us in that late meeting at *St Andrews*, wherein our just and Godly desires were not only neglected, but some of the Articles concluded in that scornful and ridiculous form, as we wish they had been refused rather with the rest. Although at this time we suffered our selves to be intreated by you our Bishops, for a new Convocation, and have called you together, who are now convened, for the self same Business, which then was urged. Hoping assuredly, that ye will have some better regard of our desires, and not permit the unrulie and ignorant multitude, after their wonted custome, to oversway the better and more judicious sort; an evil which we have gone about with much pains to have amended in these Assemblies, and for which purpose, according to Gods ordinance, and the constant practice of all well governed Churches in all ages, we have placed you, that are Bishops and Overseers of the

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rest, in the chiefest Roomes. Ye plead much, we perceive, to have matters done by consent of the Ministers; and tell us, that what concerneth the Church in General, should be concluded by the advice of the whole. Neither doe we altogether mislike your purpose: For the greater consent there is among yourselves, the greater is our contentment. But we will not have you to think, that matters proponed by us of that nature, whereof these Articles are, may not without such a general Consent be enjoined by our Authoritie. This were a miskenning of our Place, and with all a disclaiming of that innate power, which we have by our calling from God, by the which we have place to dispose of things external in the Church, as we shall think them to be convenient and profitable, for advancing true Religion among our Subjects. Therefore let it be your care by all manner of wayes, and discreet Perswasions, to induce them to an Obedient yeelding unto these things, as in dutie both to God and Us they are bound. And do not think, that we will be satisfied with refusals, or delays, or mitigations; and we know not what other shifts have been proponed: For we will content ourselves with nothing, but with a simple and direct acceptation of these Articles, in the form by us sent unto you, not a long time past; considering both the Lawfulness, & undeniable Conveniencie of them, for the better furthering of Pietie & Religion among you. And it should rather have become you to have begged the Establishment of such things of Us, then that We should thus need to be put to urge the practice of them upon you. These matters indeed concerne you of the Ecclesiastical Charge chiefly. Neither would we have called Noblemen, Barones, and others of our good Subjects to the determining of them, but that we understand the offence of our people hath been so much objected; Wherein ye must bear with us to say, that no Kingdom doth breed, nor have at this time more Loving, Dutiful & Obedient Subjects, than we have in that our native Kingdom of Scotland. And if any disposition hath appeared to the contrair in any of them, the same we hold to have proceeded from among you: Albeit of all sorts of men, ye are they that both of Dutie were bound, and by Particular Benefits were obliged, to have continued your selves, and by your sound Doctrine and exemplarie life kepted others, in a Reverent Obedience to our Commandments. What and how many abuses were offered to us by many of the Ministry there, before our happie coming to this Crown, though we cannot quite forget, yet we little like to remember. Neither think we, that any Prince living could have kepted himself from falling in utter dislike with the profession it self, considering the many Provocations that were given to us. But the love of God and his truth still upheld us, and will by his grace so do to the end of our life. Our patience alwayes in forgetting and forgiving many faults of that sort, and constant mainteining of true Religion against the Adversaries, (by whose hatefull practices we live in greater peril, then you all, or any of you) should have produced better effects among you, then continual resistances of our best purposes. We wish, we be no farther provoked, and Gods truth, which ye professe, of Obedience to Principalities and Powers, be no longer neglected, and slandered by such as, under the cloak of seeming holiness, walk unrulie among you, shaking hands, as it were, and joining in this their disobedience to Magistracie, with the upholders of Popery. Wherefore our heartie desire is, that at this time ye make the world see by your proceedings, what a dutiful Respect & Obedience ye owe to Us, your Sovereign

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reign Prince and natural King and Lord. That as we in love and care are never wanting unto you; so ye in a Humble Submission unto our so just demands, be not found inferiour to others of our Subjects, in any of our Kingdomes; & that the care and zeal of the good of Gods Church, and of the advancing of pietie & truth, doth chiefly incite us to the following of these matters. God is our witness. The which that it may be before your eyes, & that according to your callings, ye may strive in your particular Places, & in this General Meeting, to do these things, which may best serve to the promoting of the Gospel of Christ, even our prayers are earnest unto God for you. Requiring you in this and other things, to credit the bearer hereof, our trustie Servant and Chaplain, the Dean of *Winchester*, whom we have expressly sent thither, that he may bring unto us a true relation of the particular carriages of all matters, and of the happie event of your Meeting, which by Gods blessing (who is the God of order, peace and truth) we do certainly expect: Unto whose gracious protection we commend you now, and for ever. Given at *Theobals* the 10. of *July* 1618.

After the reading of this expostulatorie Letter, which I will not now examine, and answer particularly, the Bishop of *St Andrews* had a speech, wherein he protested, that he, that he craved not these Novations; and that it was against his will, that they were proponed. Yet he was perswaded, that his *Maj.* would be more glad of the consent of this Assembly to these five Articles, than of all the gold of *India*. But in case of their refusal, he assured them, the whole Estate & Order of our Kirk would be overthrown, some Ministers would be banished, other some deprived of their stipend and Office, and all would be brought under the wrath of Authoritie. He advised them rather to consent in time, nor afterward to beg favour by offering conformitie, as others had done; alledging, that *Mr John Sharp*, one of the Ministers banished for the disordered Conventicle holden at *Aberdeen*, as he called it, had written to him the night before, to interceed with the King for libertie to him to return to his own Countrey, and had offered to submit himself to all good Orders in time coming. But the Letter was neither read nor seen. And the man himself hath given proof since, how averse he is from conformitie. O said the Bishop, I know when some of you are banished, and others deprived, ye will blame us, and call us persecutors. But we will lay all the burden upon the King, and if ye call him a persecutor, all the world will stand up against you. Then he desired Doctor *Young* to speak, if so be he had Intention, or Commission to that effect. The Doctor laid out the taunts and reproaches, breathed out at Court against the proceedings of the last meeting holden at *St Andrews*, his *Maj.* high displeasure kindled by occasion thereof, like a flamme of fire, readie to consume all, except it were quenched in this present Assembly, by condescending to the five Articles. He carped at the Estate of our Church, whereof he was ignorant. In a word, with words framed for the purpose, and uttered in a mourning manner, he laboured to perswade the Ministers to consent to the five Articles. *Mr David Lindsey* Bishop of *Brechin*, in his defence of this Assembly, sets down his harangue, as it was received at that time by one that stood by, as he alledgeth. The tenor followeth, as he hath set it down.

Doctor
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discourse.

Most honorable, most reverent, right worshipful and dearly beloved, it might well become me, according to the example of *Elibu*, in the Histo-

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rie of *Job*, in the presence of so Wise, so Grave, so Religious, and Learned an Assembly, to wait in silence, till the more ancient in years had spoken. But that I know, that the Sovereigne *Maj.* of our gracious Lord and Master the King, who hath regarded so much the lowliness of his servant, as to send me unto you at this time, to be the messenger of his will and pleasure, now openly read in your ears, will procure attention to a few words, which shall be uttered with the uprightness and sinceritie of a heart wholly devoted, as unto the Glorie of God, and Honour of our Master the King, so to the happie, free & flourishing Estate of this Church and Kingdom, unto which I am tied by so many strong bands, that *Moses* the friend of God, and *Paul* that chosen vessel of Christs, who are recorded in Holy Scripture to have exceeded in their affection to the people of *Israel*, their dear Countrey men, did not in that owe more unto them, then that, which ye all well know, I owe unto you. And would to God, I were as able to pay so just a debt, as I am, and shall be ever most readie and willing to acknowledge it. *Hic amor meus, hoc pondus meum*: For from this love and dutie, I owe unto this place of my first and second birth, (God he best knoweth) how the sorrowes of my heart have been enlarged, since the time of the last General Assembly at *St Andrews*, to hear such words of Indignation and just Displeasure, so often to proceed out of the mouth of so good and so gracious a Prince, like *Moses*, the meekest man upon the face of the earth: *Sed verendum etiam atque etiam, quo exeat patientia tam saepe lesa*. Words spoken against those that are called to be Ministers, Ambassadors of Peace, and patterns of Pietie & Obedience, uttered in the ears of them, vvhoh labour indeed, as becometh so loyal and loving Subjects, by their humble and dutiful Obedience to his sacred *Maj.* to outstrip those that went before them; and albeit they have the last, yet not to have the least portion in our *Dauids* love. But as then vvvith all good and vvell affected men I much grieved, so now I heartily rejoyce, and praise God, that notwithstanding of all that is past, I have lived to see this day a General Synod once more of this Church of *Scotland*, called by the Authoritie and expresse Command and Pleasure of our Sovereign Lord the King, vvhich is the only true and best means indeed, used in all ages for extirpating of all Sects, Errours and Heresies, & for the planting of truth, and good order in the Church of *Christ*. And I pray God, that all things at this Meeting may by the direction of Gods good Spirit, and by your vvisdomes, be so carried, that ye abridge not yourselves and your posteritie of so great a blessing; and procure that not only those things, which are now required, but that other things more difficult be enjoined and forced upon you, upon strick penaltie, by Supream Authoritie. And therefore I desire (as I am sent for that purpose) with the Apostle *Tit. 3.* To put you in remembrance, that ye be subject to Principalities and Powers, and that ye be Obedient, and readie to every good work. To put you in remembrance, that by the great blessing of the Almighty God, ye have to do with so Wise, so Potent, so Religious, so Learned a Prince, the matchlesse mirrour of all Kings, the Nursing father of this Church; that he whose wisdom and Authoritie is in the composing of all differences, both Ecclesiastical and Civil, so much required, respected and admired, not only by his own people of his other Kingdoms, but by all good Christians of forreign Nations, throughout the Christian world, may be seemed to be neglected by you, his native Subjects at home. And you especially of the

Ministry,

Ministry, who ought to be examples and patterns of Obedience unto others, you whom he hath so infinitely obliged by his so great bountie & constant love, to put you in remembrance, that as with no small disreputation to his *Maj.* & diminution (as it were) of his princely Authoritie, in the judgement and sight of the world, whose eyes are bent upon these proceedings; he hath granted you so long time by your Christian and Godly endeavours with your several flocks (whom you are to lead, and not to be led by them) to remove (as ye promised to his *Maj.* being here amongst you, and again confirmed at your last General Synod) all these scandals, which might be taken by the more ignorant, and unadvised sort of your people, to whom all nations, though to the better, may seem at the first some what strange. So that now ye would be careful, as much as in you lyeth, to take away that more dangerous and open offence and scandal, vvhich by your delay & refusal of Obedience, you shall cast upon the sacred Person of our Sovereign Lord the King, the most constant and zealous Protector and Defender of that faith and truth, vvhich vve all professe; and for the vvhich he hath suffered such open gainsaying of the Adversaries thereof, the limms of Antichrist. As if he, vvhich hath laboured so much to exalt the Glorie of this nation far above all his predecessors, in the eyes of the vvorlde, novv going about most of all to humble us unto our God, and in performance of the Act of greatest devotion, according to his ovvn example, to bring us to our knees, did in so doing any wayes urge his Subjects to any thing, vvhich might savour of Superstition, or Idolatrie. To remove the scandal from those vvhich are in Authoritie among you, and are set over you in the Lord, vvhich by their due Obedience unto God and their Sovereign, have already both by their Doctrine and Practise, commended these things, vvhich are novv required of you, to be both lawful and expedient. To take away that scandal and aspersion, vvhich by the seeming Reasons of your former refusal, or delay, ye have cast upon others so glorious reformed Churches, as if the Holy Ghost, and Spirit of Reformation had been given only to, & solely rested upon you. To remove that notorious, and publick scandal, which by the fierie and turbulent Spirits of some few privat men, lyeth heave upon the fervent and zealous Professors of the Glorious Gospel of Christ, as if they also were disobedient unto Magistracie, and in this did seem to joyne hands with the main up-holders and pillars of Popery. It hath wounded the Spirits of Good men, to hear it often spoken *dicatur utinam amplius Gathi, & in plateis Askelonis*; nay to see in print, that *Herod and Pilate* were now reconciled again, if not *contra Christum Dominum*, yet *contra Christum Domini*. Lastly, to prevent that lamentable miserie and calamitie, which God in his justice might bring upon this Kirk, in that ye regarded not the blessed time of your Visitation, and despised the goodness and long suffering of God, and of so Bounteous and Gracious a Sovereign. And so conclude, (for to stand now upon particulars, were but *Alum agere*, and you need no gleanings after so plentiful a harvest; or the light of a candle, being inlightened by the clear beams of the sun) with that of *Naamans* servants 2 Kings. c. unto their Lord and Master, *Father, if the prophet had Commanded thee a greater matter, wouldst thou not have done it?* &c. So right Reverend Fathers and Brethren in Christ, if our most gracious Sovereign Lord, who hath done so much for you, had Commanded you greater things, so long as they might stand with the will of God,

and

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and in no wayes be repugnant to the same (for in that case indeed, the Apostles Rule holdes inviolably true *Δὲ ἡ ἀρχὴ ὑμῶν ἡ εἰς ἀγάπην*; that, we must rather obey God than men) should ye not have been readie yourselves, & by your Doctrine & practice have induced others to Obedience? Much more then, when he requireth of you, but these few necessarie things; necessarie and expedient for the Glorie of God, for the advancing of Pietie among you, for the Honour and due Satisfaction unto our Sovereign Lord the King, for the happie establishment of Order, Peace, Union and Love among yourselves, and in these united Kingdoms. Therefore let me beseech you in the bowels of Christ, to give all their due, *quæ Cesaris, Cesaris; quæ Dei, Deo*. And as *Constantine* the great (as *Eusebius* hath it) wrote unto his Kirkmen, that troubled his peace, and oither weighty affairs, with their contentious Humors; so let me intreat you in the behalf of our *Constantine*. *Quidum rogat, jubet: date illi dies tranquillos, & noctes cura & molestiarum expertes*; that so he may with much joy and contentment of heart, yet once more, as he proposeth, if not often, visit your coasts, and these places, which his soul so loveth. And that this poor Kirk, and his native Kingdom may be made ever more and more happie by his coming, and long peaceable reigne: And God and men say Amen to it. Amen.

The Kings Letter, and his discourse seconding it, were more sharpe, and fuller of terrours, then they are here set down. But being forced to bring them forth to light, they have tempered them: Yet ye see how sharpe they are. The Ministers, defenders of the established Order, perceiving the drift of these speeches and discourses, and all other means prepared and disposed for dashing of simple men, modestly required four things. 1. That none be admitted to Vote, but such as were Authorized by lawful Commission. The Archbishop answered, his *Maj.* had written to Noblemen and Barones, willing them to be present at this Assembly: If any man had any exception against them, they should be heard. It was replied, that they were not to except against their Honorable Persons or presence; but earnestly to crave, that the order of the Church might be observed; whereby it is provided, that without Commission none have place to Vote in General Assemblies. 2. That the Libertie of the Church be not broken in the election of the Moderator, and that a lawful Leet be made to that effect. It was answered by the Archbishop, that this Assembly is convocat within the bounds of his Diocesse; he would understand, who would take his place over his head. So he intruded himself in the Moderators place without election. 3. That the Articles, proponed in short and general summes, might be put in forme, and amply extended, as his *Maj.* would have them enacted, that they may be the better advised on, and considered. The pretended Moderator answered, let alone these toys, trouble us not with needles questions, we shall speak of these things in the Privie Conference. 4. That some of either opinion may be set apart to collect, and put in order the Reasons of either side, for the more sure and easie information of the Assembly. The pretended Moderator rejected this also, as impertinent.

He proceeded at his own pleasure, without advice or information of the Provinces or Presbyteries, to the nomination of the Privie Conference, before that the Clerk had received the Commissions. Beside his *Maj.*

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Commissioners, their Assessors, and the Noblemen, he did nominate all the Barones, except three, all the Bishops, the Commissioners of Edinburgh, Perth, Dundie, and thirtie seven Doctors and other Ministers. The most part were such as were resolved to yeeld, or were not well acquainted with the state of our Church in former times. Some few of the sounder sort were taken in, to try the force of their arguments, or answers in privat, that in publick they might either be evaded, or suppressed. So there was chosen to be upon the Privie Conference, beside his Maj. Commissioners, their Assessors, and the four Noblemen, *VVauchton, VVeemes, Balcomie, Bogie, Clunie, Glenurquhart, Balcarres, Lagg, Balmanno, Bonintoun* Barones. Ministers, *Mr. Patrick Galloway, Mr. Henrie Blyth, Mr. William Weemes, Mr. George Greir, Mr. John Carmichael, Mr. William Scot, Mr. Alexander Gladstones* Archdeacon of *St. Andrews*, *Doctor Philip, Doctor Strang, Doctor Bruce, Mr. John Hay Parson of Ranfrow, Mr. Thomas Moorhead, Mr. Michael Wallace, Mr. Thomas Ramsay, Mr. James Knox, Mr. Robert Henrison, Mr. John Guthrie, Mr. John Malcolme, Doctor Forbes, Mr. George Douglas, Mr. Patrick Dunbar, Mr. James Bishop, Mr. George Chalmer, Mr. James Simpson, Mr. Robert Sommer, Mr. David Lindsey, Mr. David Monro, Mr. Archbald Moncreiff, Mr. James Burdon, Mr. John Mackenzie, Mr. John Mitchelson, Mr. Patrick Shaw, Mr. James Hammiltoun* Dean of *Glasgow*, *Doctor Hammiltoun*. The Commissioners of *Edinburgh, Perth, Dundie, Aberdeen, Glasgow*: All the Bishops.

The Conference convened at three afternoon. The Kings Letter was read again. The pretended Moderator seconded it with many terrours. To make them go quickly to work, he Affirmed, that four Articles were already concluded in the Assemblies, holden last at *Aberdeen* and *St. Andrews*, howbeit not in form as his Maj. required; and that kneeling only rested to be consented to. To prove his allegiance, a minute was read, containing the points conferred upon, at the places foresaid, and no farther evidence was produced. He added, that his *Highness* altogether refused the Cautions & Conditions, added by the said Assembly, as frustrations of his intention: that his Maj. was still offended at the Assembly, holden at *St. Andrews*. For removing of that offence, he would have had the Article of kneeling put to voting in the Conference, without reasoning. But after earnest dealing, and much business, it was concluded by pluralitie of Votes, that it should be put to reasoning. For clearing the state of the question, the Ministers, defenders of the established Order, required again. 1. That the said Articles might be extended to the full, and put in perfect forme. 2. That the other partie would prove them necessary and expedient for our Church, according to the Common rule, *Affirmanti incumbit probatio*: Or otherwise improve the former order already established, as defective, superfluous, or confused. 3. That time and place might be granted to all, having calling and interest, to Reason freely, and to hear reasoning in presence of the Assembly, for their better direction. 4. That the Reasons of moment might be proponed, & reasoned in writ, and some few of either side appointed to put them in due form and order. The Moderator, notwithstanding of the reference of these Conditions to the Privie Conference, rejected them; and by himself he determined, that the Ministers, defenders of the Established Order, must either prove the Articles to be impious and unlawful, or else

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they must prove disobedient to his *Maj.* It was replied, that poor Subjects neither ought, nor conveniently could dispute upon a question, proponed after that form. But if Reformation be intended, and the truth of the Articles proponed be sincerely to be searched, so far forth as they may prove good and expedient for this Church, the order agreed upon by his *Maj.* at *Perth* 1597. cannot of reason be refused, *viz.* that matters, touching reformation of external Government, be proponed *ordine & decenter, animo edificandi, non tentandi*, for searching the truth, the undoubted ground of true unitie. Notwithstanding of whatsoever could be alledged, they were forced either to object against the said Articles, or else to be reputed disobedient to his *Maj.* and to have no Reason on their side. The time being spent, some few Reasons were alledged, which were cut off by cavilling, and quarrelling at mens Persons, rather then solidly answered. The Conference was appointed to hold in the morning at eight hours; notwithstanding that hour had been appointed for the second Session of the Assembly.

Wednesday 26. of August.

The Privie Conference convened at eight hours in the morning. Much time was spent with the Bishops discourses, and otherwayes, for making way to some reasoning. Some few arguments were proponed against kneeling, in the act of receiving the Sacramental elements of bread and wine: But answered as before. The pretended Moderator, to cut off reasoning, was instant that kneeling might be voted. The Ministers alledged, that the proper use of the Conference is to prepare, and put in order matters, that are to be treated in face of the Assembly; and not to Vote. For it were an intollerable noveltie in the Kirk, a great prejudice to publick voting, and a presumptuous usurpation, to Vote and Conclude matters belonging to the whole Kirk. Therefore it was required, that the voting, and farther reasoning might be reserved to the full Assembly. The pretended Moderator replied, *first*, that it was the custome of the Lords of the Articles in Parliament, to proceed after that manner. *Next*, that he would not spare to commit twenty prejudices to please the King. *Farther*, that the Voting in Conference, was only by way of advice, & not to determine.

So under colour of advice, by pluralitie of Votes it was concluded, in the Conference, that the gesture of sitting at the Communion should be changed in kneeling. All that were upon the Conference, ten or eleven excepted, voted for kneeling. The Ministers, standing for the Established Order, required that the Articles might be formed. After long debate it was concluded by pluralitie of votes, that they should be formed, and extended, as they were to passe in Acts. Some Bishops and Doctors were named for that purpose. The Conference was appointed to meet at four afternoon.

The Assembly, being frustrat of their diet in the morning, assembled at four afternoon at the call of the bell, beyond the Moderators expectation. He shewed them, that that hour was appointed for the Conference; that some were appointed to put the Articles in form, & desired them to depart, that matters might be expedie for ending of the Assembly to morrow. The Ministers, defenders of the Established Order, declared in what manner the Conference proceeded, notwithstanding that they opposed to any voting, which might be prejudicial to voting in publick Assembly.

Thursday

Thursday the 27. of August.

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William, Bishop of *Galloway*, had a sermon in the morning upon *Rom.* 14: 19. He set at nought the ancient order of the Kirk sometimes highly commended by himself, and extolling his own new light, presumd, to Catechize those, who might have catechized himself.

The second and last Session of the Assembly was holden after dinner. The Kings Commissioners, and the Bishops, Masters and Rulers of the Assembly, assured the Ministers, that out of that house they should not go, till his *Maj.* were satisfied of his desire. The pretended Moderator aggregated the necessitie of yeelding, & instantly urged present voting, without farther delay, and assured them, that his *Maj.* behoved to be satisfied, that his *Hightness* would accept of no other answer, but yeelding. To effectuat his purpose, and to dash simple Ministers, he threatned and insulted. I know well enough, said he, there is never one of you, that will suffer so much as the loss of your stipends, for the matter. Think not but when the Act is made, I will get Obedience of you. There is none of you, that voteth in the contrair, that mindeth to suffer. Some men pretend Conscience, and fear more to offend the people than the King: But all that will not do the turn. Yet before, when he required consent, he Affirmed, that although the act were made, his *Maj.* would be merciful in urging Obedience thereunto; and that they knew himself to be more favourable to the Brethren, than any Bishop of *England*. He took it upon his Conscience, that there was neither lasse nor lad, rich nor poor in *Scotland*, some few precise Persons excepted, who were not only content, but also wished that order of kneeling to be received; whereof, he said, he had proof and experience in his own Citie of *St Andrews*, and in this Town of *Perth*, since he came hither. He made mention of a pamphlet, found within the pulpit of *Edinburgh*, and that it was alledged therein, that the Bishops were bringing-in Papistrie, and the good Professors would fight in defence of their own Religion. By way of answer he said, that the Ceremonies make not separation betwixt us and the Roman Church; but their Idolatrie, which if the Romanists would forsake, they would meet them mid-way, and joine with them. And, as if the Ministers had known any such Professors, disposed to fight for their Religion, or were of purpose to joyn with them, he dissuaded them to lean to such brags: For he had seen the like of that before in the 17. day of *December*. He wished, if such a thing should happen, it would please his *Maj.* to make him a Captain, never one of these braggers would come to the field.

After these blasts, the Ministers with modest importunitie insisted, that the matters depending might be better cleared by farther reasoning and advisement, so much the rather because these matters had not been reasoned in full Assembly, for the information of all those who had interest. After much dealing, and many earnest speeches, and desires to be heard, some fashion of libertie was granted to a few; but with such checks and limitations to the Partie, that pressed to propone, and reason, that quickly they were cut off, and sourly rebuked; rather born down with Authoritie, than satisfied with Reason. His *Maj.* Chief Commissioner, Secretarie *Hammiltoun*, and the pretended Moderator straitly injoyned them, either to propone a new Reason, or else to hold their

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peace, when as the argument had either not been proponed in Conference; or if proponed, not answered; or if answered, the reply interrupted. And suppose all this had been done in the Conference, yet all was new to the full Assembly, and ought to have been repeated, and fully discussed, for the information of all Voters. Many Ministers had not so much as access to hear, or propon one argument: For they had not seats provided for them, and Gentlemen thronged-in before them. The defenders of the Articles were permitted to discourse, so long as they pleased, to gibe, mock, and cavil; so light account made they of the fearful rent, which might ensue, that their behaviour was offensive to the beholders. There best defences were taken from the Authoritie of the Kings sword; he will ranverie all, except we yeeld: Or the Authoritie of his word; as when it was alledged out of *Zanchius* upon the fourth Commandment, that things indifferent abused to Idolatrie, should be altogether removed; The pretended Moderator opponed to his judgement, or any other of the learned, the judgement of the King of great *Britan*. In a word, he professed plainly, that neither their Reasons, nor their number should carrie away the matter. These Articles must be concluded, and shall be concluded, although there were none but the Eleven Bishops with the Authoritie of his *Maj.* Commissioners, they shall impose them. It was confessed by some, that if his *Maj.* could have been pleased, or dissuaded, they would have reasoned against these Articles, and the introducing of them in this Kirk. Doctor *Lindsey*, being posed in Conscience, confessed, that they had neither Reason, Scripture nor Antiquitie for kneeling; but to avert the Kings wrath, thought it best to yeeld. Some velitation there was about observation of Holy dayes: But nothing spoken of the other three Articles. Boasting and posting confounded all, and cut short: For the Kings chief Commissioner and the Bishops resolved to end all, at this Session.

The Ministers not being permitted to Reason, and prosecute their Arguments with such Libertie, as was requisite, and fearing prejudice in voting, gave-in some Articles in writ, to be considered before the five Articles were put to voting, professing they were readie to present in writ particular Reasons, against every one of the said Articles. The presenter *Mr John Scringeour* Minister at *Kingborne* was commanded to subscribe them, and was rebuked as not having Commission. They suspected, that he was to present a Protestation against the proceedings of the Assembly; for preventing whereof they had declamed before against the Protestation, subscribed at the last Parliament, as treasonable and seditious. But when he was perceived to seek a pen to subscribe, the pretended Moderator received them out of his hands; two of them only were read, but no wayes respected, the rest were suppressed. The Articles here follow.

The Articles presented to the Assemblie August. 27. with some quotations, added since for confirmation.

For as much as we have been debarred of access, and from hearing the proceedings of the Conference, their reasonings, consultations and advisements, anent the Articles proponed to this General Assembly, whereof all and every one of them so neerly toucheth us, in our Christian resolu-

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tion, and Offices of our Ministry, in most humble manner we present to your Considerations the particulars hereafter specified, in the fear of God, intreating your favourable answer to the same.

The Articles proponed, if they be concluded, they do innovat, and bring under the slander of Change the Estate of this Church, so advisedly Established by Ecclesiastical Constitutions, Acts of Parliament, Approbation of other Kirks, and good liking of the best reformed Christians without, and within this Kingdome, and so evidently blessed with happy successe, and sensible experience of Gods greatest benefits, by the space of fiftie eight years, and above. So that we may boldly say, to the praise of God, that no Church hath enjoyed the truth and puritie of Religion in larger libertie. And upon some such Considerations it pleased his gracious Maj. to continue the Church of England in her established Estate, as may be seen in the Conference at Hamptoun Court, & Thomas Spark his book written thereupon. *Ipsa quippe mutatio, etiam que adjuvat utilitate, novitate perturbat: Quapropter que utilis non est, perturbatione infructuosa consequenter noxia est*, saith Augustine *epist. 118*. That is, even a change that is helpful for utilitie, perturbeth with the Noveltie: Wherefore consequently, a change that is not profitable, is noysome through fruitlesse perturbation. Rather a Kirk with some fault, then still a change, as is said in the Conference at Hamptoun Court.

The receiving again of these Articles, so justly rejected, and so carefully and long kepted forth of this Kirk, grieveth reformed professors, tenderly affected to our reformation, and giveth occasion to our Adversaries to reprove our separation from them of rashness, levitie and inconstancie; and not only hindereth their Conversion, but strengtheneth their hope of our farther conformitie with them. *Quoties non mutarunt suam quisque sententiam? Quod edificavit hodie, cras destrunt; hodie lapidem locant in fundamentum, camentoque confirmant, quem postero die erunt & conterunt. Ubique revocationes, emendationes, novi fetus, alie atque alie, quoties nova sententia placet, assertiones: Alius deturbat alium; confusio confusione permiscetur; atque iterum, scinditur incertum studia in contraria vulgus. Nec adhuc cernimus aliud, et quis nisi mente captus dicat istiusmodi artifices reedificare Ecclesiam Dei; quibus omnia Incerta, Fluxa, Instabilia, Contraria; quibus nulla dogmatum constantia, nulla animorum consensio? Antididagma Colonienf. Pag. 4.* That is, how oft have they not changed every one their opinion? That which they build to day, they demolish to morrow: They place this day a stone for a Foundation, and make it sure with mortar, which they pull up the day following, and bruise in pieces. Every where there is Revocations, Corrections, New births, diverse Assertions, as oft as a new opinion pleaseth any of them; One throweth down another; Confusion is mingled with Confusion, and in the mean time the doubtful vulgars are severed in contrarie factions. Neither as yet do we perceive any other thing: And who will say, except such an one as is besides himself, that such artificers re-edifie the Kirk of God, to whom all things are Uncertain, Flowing, Unstable, Contrarious, who have no constancie in the heeds of Doctrine, nor consent of mindes &c?

They cannot stand in one Profession with Brotherly kindnesse, Peace, and Love, which must be tenderly kepted among the members of Christs bodie, as the same consists of stronger, and more infirme; as may ap-

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pear in the Apostolical Rules following. First, *all things are lawful to me, but all things are not profitable. I may do all things, but I will not be brought under the power of any thing.* 2. *Let every man be fully perswaded in his own minde.* 3. *Whatsoever is not of Faith is sinne.* 4. *Let every one understand according to sobrietie, as God hath dealt to every man the measure of Faith.* 5. *Take heed, lest by any means this power of yours be an occasion of falling to them that are weak.* 6. *Through thy knowledge shall thy weak brother fall for whom Christ died.* 7. *When ye sinne against the Brethren, and wound their weak Consciences, ye sinne against Christ.* 8. *Whatsoever ye do, do all to the Glorie of God.* 9. *Give no offence, neither to the Jew, nor to the Græcian, nor to the Kirk of God.* 10. *Please all men in all things, not seeking your own profit, but the profite of many, that they may be saved. Cause not your Commoditie to be evil spoken of.* 12. *Let all things be done honestly & in order.* Things indifferent (put the case mans Inventions were of that nature) in the case of scandal, cease to be indifferent, and are as things moral. *Perkins Galat. 2. 3.*

4. They give way to humane Inventions, and bring the wrong key of mans wit within the house of God, whereby toyes and trifling ceremonies in number and force are multiplied, as mens wits are variable to invent. *Who requireth these things at your hands?*

5. The admitting of some openeth a door to the rest, and the multitude of such make us inferior to the Jewes in two respects. 1. Their ceremonies were all divine. 2. In number fewer than rituall Christians do observe betwixt the Pasch & the pentecost. *Gerson complaineth, Quod multitudine levissimarum ceremoniarum vis omnis Spiritus Sancti quem in nobis vigere oportuit, & vera pietas sit extincta.* That with the multitude of frivolous ceremonies true Pietie was extinguished, and the force of the Spirit, which ought to be powerful in us. *Jewel. Apolog. Pag. 116. Sed quamvis hoc neque inveniri possit, quomodo contra fidem sunt, ipsam tamen Religionem servilibus oneribus premunt, ut tolerabilior sit conditio Judæorum, qui, etiamsi tempus libertatis non agnoverunt, legalibus tamen sarcinis, non humanis præsumptionibus subjiuntur. August. Epist. 119.* Howbeit it cannot be found, that they are contrary to the faith, yet they presse down Religion it self with servile burdens, so that the estate of the Jewes is more tolerable, who, howbeit they did not know the time of libertie, are subject notwithstanding to the burdens of the Law, not to the presumptions of man. *Quanto magis accedit cumulo rituum in Ecclesia, tanto magis detrahatur non tantum libertati Christiana, sed & Christo, & ejus fidei. Confess. Orthod. Cap. 27.* that is, The more that the heaps of rites and ceremonies in the Kirk increase, the more is derogated not only from Christian libertie, but also from Christ and his Faith. Learned and grave men my like better of the single form of Policie in our Kirk, than of the many ceremonies of the Kirk of England. *Epist. before Basilicon Doron.*

6. They hinder edification: For how much time and zeal shall be spent, upon the inbringing and establishing of these, as much leasure and opportunitie shall Satan get, to sow and water the tares of Atheisme, Schisme, Popery, and Dissension. Consider the sentences following. 1. *Let us proceed by one rule, that we may minde one thing, Phil 3:16.* 2. *Let us follow the truth in love, and in all things grow up in him, who is the head, that is, Christ, Ephes. 4:15.* 3. *Give no place to the Devil.*

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If ye be otherwise minded, God shall reveal the same to you. 5. Feed my sheep. 6. Take heed unto yourselves, and unto the flock. Acts. 20. 7. Let no root of bitterness spring up to trouble you. 8. Fulfil my joy, that ye may be like minded, having the same love, being of one accord, and of one judgement, that nothing be done through contention and vain glorie; but that in meekness of minde every man esteem other better then himself. 9. Do all things without murmuring and reasoning. 10. It was needful for me to write to you, that ye should earnestly contend for the faith, which was once given to the Saints. 11. While men slept the enemy came, sowed his tares among the wheat, and went his way.

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Matters of that nature bring inevitably with them Disputations, Divisions, Contentions; as may be seen in all Kirks, where such coales of contention got entrie. The Pascha of the Primitive Kirk, the interim of Germanie, the rent of the Kirk of England, our own experience since the strife of the External Gubernation began among us &c.

7.

They bring a sensible blot, either upon the happie memorie of our godly and wise predecessors, in so far as we depart from that reformation, so wisely brought-in, appointed and established by them; or else upon ourselves, by resuming again of diverse Superfluities without Reason, rejected by them for weightie and necessarie Causes. *Magnum est hoc Dei munus, quod una & Religionem puram, & Eutaxiam, Doctrina videlicet retinenda vinculum, in Scotiam intulistis. Sic obsecro & obtestor, hæc duo simul retinete, ut uno amisso, alterum non diu permanere posse semper memineritis Beza Epist. to Mr Knox. i. e. This is a great benefite of God, that ye have brought unto Scotland true Religion, and good order, the band that retaineth Doctrine, at one time. So I beseech you, and obtest, that ye retain these two together, so that ye remember, that if the one be lost, the other cannot endure long. And again he saith, Quam recte illud, quod Disciplinam simul cum Doctrina conjungitis: Obsecro & obtestor ut ita pergatis, ne vobis idem, quod tam multis, eveniat, ut qui in limine impeerunt, progredi non Possint; immo etiam interdum ne velint quidem, quod longe miserrimum est. i. e. How well was that done, that ye conjoined Doctrine and Discipline together. I beseech you, and obtest, that ye go forward, lest it happen to you, which hath befallen so many, that could not make a progresse, having stumbled in the very entrie; yea sometime were not willing, which is most lamentable.*

8.

They set loose the filthie mindes & mouthes of fleshly livers, to triumph against the most sound and best reformed Professors, & to rejoyce in their rotten opinions, & restored opportunities of sensual observation of guifing, gluttonie, carrels &c.

9.

They are declared by this Church to be contrarie Doctrine, as may be seen in the first, second and third Chapters of the first book of Discipline, in these words, *We judge that all Doctrine, repugnant to the Evangel, should be utterly suppressed, as damnable to mans salvation. In the books of the Old & New Testament we affirm, that all things, necessarie for the instruction of the Kirk, and to make the Man of God perfect, are contained, and sufficiently expressed. By contrarie Doctrine, we understand whatsoever men by Lawes, Councils or Constitutions, have imposed upon the Consciences of men, without the expresse Commandment of Gods*

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Word,

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11. The Commissioners of Presbyteries, here assembled, sufficiently understand, that neither the Presbyteries, from whom they have their Commissions, nor the Particular Churches of this Realme, either require, are willing, or consent to admit these Novations. *Constituentur Theologi; nihil esse per Synodos Ecclesijs invitis obtrudendum. i. e.* The Divines confesse, that nothing should be obtruded upon Churches by Synods, against their will.

12. The Commissioners of Presbyteries here assembled, understanding the alienation of them, from whom they received Commission, from these Articles, can by no warrant bind nor oblige their unwilling Presbyteries and Congregations to their Votes. *Ecclesiam dissentientem & invitam obligare quis potest? i. e.* Who can bind a Kirk disassenting and unwilling?

13. There stand in force diverse Acts of Parliament, in favours of our present order *Ia. 6. P. 1. Cap. 8. Ia. 6. Par. 6. Cap. 68. and Cap. 69. Item*, the first Act of the Parliament 1592.

14. The Ministers of this Church by order of the same, printed and inserted before the Psalme book, at their admissions *respective*, promise in the presence of God, and of the Congregation assembled, to abhorre, and utterly to refuse all Doctrine, alledged necessarie to salvation, that is not expressly contained in the Old and New Testament; and according to the graces and utterances that God grant unto them, to professe, instruct, and maintain the puritie of the Doctrine, contained in the sacred Word of God; and to the uttermost of their power, to withstand and convince the gain-sayers, and teachers of mens inventions. *Item*, to submit themselves most willingly to the wholsome Discipline of this Church, by the which they were then called to the Office and Charge, promising in Gods presence Obedience to all admonitions, secretly or publickly given &c.

15. The Subscribers of the Confession of Faith, by their oath therein contained, promise and swear, to continue in the Obedience of the Doctrine and Discipline of this Church, and to defend the same according to their Vocation and Power, all the dayes of their lives, under the pains contained in the Law, and danger both of bodie and soul, in the day of Gods fearful judgement, and to abhorre and detest all contrarie Religion, but chiefly all kind of Papistrie in general, even as they are now damned & confuted by the Word of God, & Kirk of Scotland. But in special the Pope's five bastard Sacraments, whereof Confirmation is one, withall Rites, Ceremonies & false Doctrines, added to the true Sacraments, without the Word of God, his absolute necessitie of Baptism &c. Which Confession, and practice following thereupon, is come to the eyes of the world in print, and solemnly renewed in the Covenant, celebrated in the General and Provincial Assemblies, Presbyteries and Kirk Sessions, in the year of God 1596. And how shall any man be heard to speak against that, whereunto he hath formerly sworn and subscribed? See the Conference at *Hamp-toun Court*.

The Ministers, notwithstanding of the preceeding terrours, most humbly and earnestly requested the Kings Commissioners, that the concluding of the Articles might be continued, till their Reasons were sent in writ to his *Maj.* & his answer returned. But their humble request was despised.

Before the roll was called, his *Maj.* Letter was read again in open audience of the Assembly: no doubt, to the end the last impression might incline the Voters to consent. The Ministers, defenders of the established Order, required again, that none might have place to Vote, but such as were Authorized with lawful Commission. But this Order was not admitted. Yea, the pretended Moderator answered, that if all Scotland were present there, they should Vote.

The question put in voting was formed sometime thus, *Will ye accept, or refuse the five Articles?* Sometime thus, *Will ye consent to these Articles, or disobey the King?* The Words chosen to distinguish the Votes were, *agree, disagree, non liquet.* The question proponed was affected with this strait condition. He that denieth one, denieth all. The pretended Moderator certified them, that whosoever voted against the Articles, his name should be marked, and given up to his *Maj.* He took the roll of the names in his own hand from the Clerk. First, were called the Kings Commissioners and their Assessors; then the Noblemen, Bishops and Barones; then the Doctors and Ministers, and last of all the Burgeses. The Doctors and Ministers names were called upon without order: For he called first on those, of whose consent he was assured, without respect to the order of Province or Presbytery. As for example, he called on the Archdean of *St Andrews* and *Mr Patrick Galloway*, when the Ministers of the North were called on. In calling the names, he inculcat these or the like words, *have the King in your minde, remember the King.* Some wanting Commission, of whose assent they were sure, were called on. Others, whose negative they feared, were pretermitted. In end, by pluralitie of votes the five Articles were concluded. His *Maj* Commissioners and their Assessors, all the Noblemen except *Uchiltrie*, all the Barones except *Wanchtoun*, who went home before; all the Doctors except *Doctor Strang*; all the Burgeses, a number of Ministers voted Affirmatively; One Noblemen, one Doctor, & fourtie five Ministers voted negatively. Some few *non liquet.* Doctor *Landsey* in his book affirmeth, that fourtie one only refused, & four were *non liquet.* Whereby it appeareth, that if none had voted, except such as had Commission, the sincerer sort had prevailed.

The Bishop proponed an Act to be made, that all Ministers at their admission should swear, that they have made no Privat Paction for diminution of the stipend; modified by the Commissioners, appointed by the Parliament. Item, a ratification of the Catechisme, allowed at *Aberdeen*, and printed since with Priviledge. Item, that every Minister be careful to see the Act against beggars observed, in their Parishes. Item, that *Mr William Scot* and *Mr Alexander Henrison* be transported to *Edinburgh*; but the Bishops meant no such thing in earnest.

The nullitie of Perth Assemblie.

There were four Diocies absent, *Orkney, Cathness, Argile* and the *Isles*, and Commissioners for some Presbyteries, by reason of the sudden indiction, and untimous premonition: For all ought to have been warned, who had interest.

The pretended Primar usurped the Moderators place, without election. The Bishops, a great number of Noblemen, Barones & some Ministers, wanting lawful Commission, carried themselves as members of the Assemblie, & voted. Bishops ought not to have Vote in the Gen. Assemb. unless they have Commission from some Presbytery, as was ordained in the Caveats. Far-

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ther, they practised the ceremonies before the determination of any Assembly: And therefore ought to have been secluded, by reason of the prejudice committed by them. No Baron ought to Vote, according to the Act made at *Dundie* in the year 1598. but one out of the bounds of a Presbyterie; and having Commission. No Commissioners from Burghes, except one out of a Burgh, *Edinburgh* excepted. But here two were admitted out of other Burghes. It was provided by the said Act, that a Presbyterie might not direct more than three of their number in Commission to a General Assembly. Yet here six or seven were admitted out of one Presbyterie: as for example *Mr Andrew Alane* and *Mr James Burdone* were only chosen Commissioners for the Presbyterie of *Auchterarder*; Yet *Mr Andrew Bellenden* Bishop of *Dumblane* added seven or eight to them: Their names were called on among the rest, and they voted. In the Assembly holden at *Saint Andrews* in April 1582. It was thought expedient, that Presbyteries should not be astricted to direct their Moderator in commission: but that libertie be left to them to choose whom they judge fittest for the purpose. Nevertheless in this Assembly, some Moderators, not chosen by their Presbyteries, voted without Commission, by vertue only of a forged clause, foisted into an Act of a pretended Assemblie, holden at *Linlithgow* in the year 1606. Farther, the Moderators for the present were of a new stamp, viz. the Bishops Deputies, according to the Act of *Glasgow*. The Kings Commissioners & their Assessors had every one their severall Vote, whereas the King himself, when he was present, claimed but one Vote.

Those that were Authorized with Commission, & voted affirmatively, either had their Commissions procured by the Bishops, or were the Kings pensioners, or gaped for Promotion, or had received some benefite, or looked for it, or were wonne at the Plat, by promise of augmentation of their stipends, or had subscribed other Articles in privat, or were not well informed in their judgement, for lack of full and free reasoning, or were circumvented with promises made to them by the Bishops, that they should not be urged with the practice, if they would consent to make the Act to please the King. Some confessed they assented not *simpliciter*, but to avert the wrath of Authoritie. Some were threatened by their own Diocesan Bishops in privat with Deposition. *Mr William Couper*, Bishop of *Galloway*, upbraided *Mr James Simpson* Minister at *Tongland*, and *Mr Thomas Provan* Minister at *Lefwalt*, for voting according to the light of their Conscience, and the Commission given to them by their Presbyterie. Many had voted already in the Privie Conference. Some voted at two sundrie times, being twice called upon, as if they had not answered the first time, some other names being interjected between.

5. The Assembly was preoccupied with Sermons, Letters, Harangues, prepared for the purpose. The necessitie of yeelding was enforced upon no lesse pains, then the wrath of Authoritie, Imprisonment, Exile, Deprivation of Ministers, utter subversion of the Estate and Order of this Church. Such as by the Providence of God had their mouthes opened to Reason, were Checked, Quarrelled, Rebuked, Interrupted, Boasted; and for their discouragement, it was plainly Professed, that neither Reasoning, nor the number of Voters should carrie the matter away.

6. Notwithstanding that it was craved, that the Articles should be offered

to voting severally; because some perhaps might Vote to one, who would Vote against the rest: Yet were all the five offered, or rather obtruded to voting at once. Yea the pretended Moderator said, his *Maj.* would not be satisfied except all were granted, and that he that denied one, was to be holden as if he had denied all.

Seing we have here made mention of some Articles, presented to Ministers to be subscribed at their entrie, I have here set down the Articles, presented by the Bishop of *St Andrews* to *Mr Alexander Martine* to be subscribed by him at this entrie.

I A. B. now to be admitted to the Ministry of C. faithfully promise, & solemnely swear by thir presents, to observe & fulfil the Articles and Conditions following. They are to say.

That I shall be leil and true to my most gracious Sovereigne the *Kings Maj.* and his Successors, & to my power shall maintain his *Hightness* right and prerogative in Causes Ecclesiastical.

That I shall be obedient to my Ordinar the _____ and to all superiors in the Church, speak of them reverently, and in all privat and publick Prayers commend them, and their estates to Gods mercifull protection.

That I shall in all places by Conference, and where I shall have occasion in publick Preaching, maintain the present Government of the Kirk, and jurisdiction Episcopal; and shall by reading be carefull to informe my self, to the end I may stand for the same, against all adversaries opposite to the same.

That I shall be diligent to my power in the duties of my calling, be resident with my Flock, and not divert therefra, without the licence of my Ordinar.

That I shall studie to advance the state of the Kirk in General, and Particularly the state of the Kirk of C. whereunto I am to be received, in all profits and commodities I can.

That I shall live a peaceable Minister in the Kirk, subjecting my self to the orders that therein are, or by consent of the said Church shall be (lawfully) establisht, and by all means that I can use, procure others to the due reverence of the same. Which things if I contraveen (as God forbid) I am content, upon trial and cognition taken by my said Ordinary, without all reclamation or gainsaying, to be deprived of my Ministry, & be repute and holden a perjured and infamous Person for ever. Subscribed with hand at &c.

The word *Lawfully* in the sixth Article, was not insert in the Principal, which was to be subscribed, as *Mr Alexander Martine*, to whom the Copie abovewritten was given to be advised with, assured me. There is no Law Civil or Ecclesiastical ordaining any such Articles to be subscribed by Ministers, at their entrie, either to their Offices, or Benefices: And yet the *Primat* debarreth whom he pleaseth from entrie, unlesse they swear & subscribe them; and gote after this time the subscriptions of many young men, intrants to the Ministrie.

Upon the twentie one of *October*, the Acts of *Perth* Assembly were ratified by the Lords of Secret Council, and the ratification proclaimed at the market crosse of *Edinburgh*, upon the twentie sixt of *October*. The tenor whereof followeth.

James by the grace of God King of great *Britane*, *France* and *Ireland*, defender of the Faith. To our lovits &c. Messengers our Sheriffs.

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The Acts
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in that part conjunctly and severally specially constitute. greeting. For sameekleas in the General Assembly of the Kirk, holden lately at our burgh of *Perth*, in the moneth of *August* last by past, which was countenanced with the presence and assistance of certain Commissioners for Us, and of diverse Noblemen, Barons, and Commissioners from the Chief and Principal Burrowes of this our Kingdome, there were certain godly & good Acts made, and set down, concerning the Glorie of God, and Government of his Church, agreeable to that decent and comely Order, which was observed in the Primitive Kirk, when the same was in the greatest Puritie and Perfection: as namely, an Act ordaining, that every Minister shall have the Commemoration of the inestimable benefits received from God, by and through our Lord and Saviour *Jesus Christ*, his Birth, Passion, Resurrection, Ascension, and Sending down of the Holy Ghost, upon the dayes appointed for that use; and that they shall make choise of severall and pertinent Texts of Scripture, and frame their Doctrine & Exhortation thereto; and rebuke all Superstitious Observation, and licentious Profanation of the said dayes. An act anent the Administration of Baptisme in Privat Houses, when necessitie shall require. An act anent the Catechizing of young children of eight years of age, and presenting them to the Bishop to lay hands on them, and blesse them with prayer for increafe of their knowledge, and continuance of Gods heavenly graces with them. An act anent the Administration, and giving the Holy Communion in privat houses to sick and infirm Persons. An act that the blessed Sacrament of the Holy Communion of the bodie and blood of our Lord and Saviour *Jesus Christ*, be celebrat to the people humbly and reverently kneeling upon their knees. An act for restraint of simoniacal Pactions in the entrie of Ministers, ordaining that ilk Minister shall before his Admission and Collation by the Ordinar, swear the Oath contained in the said act. An act giving Commission to certain Persons therein mentioned, to revise the labours of those, to whom Commission was given, in the Assembly of *Aberdeen*, for revising the book of Common prayer, and Collecting of the Canons of Church Discipline; & as they finde the same worthie to be allowed, to take order for Approbation, and Publishing thereof. Which Acts being seen and considered by Us, and we finding that the same have been very wisely, gravely, and with good deliberation, made and set down for the well of the Kirk. Therefore we, our of our true respect to the Honour of God, and to have him Honoured by all our people, have by our Authoritie Royal, with the advice of the Lords of our Privie Council, Ratified, Allowed, Approved and Confirmed; and by the tenor of this our present Act, Ratifie, Allow, Approve and Confirm the Acts Particularly abovewritten, in all & sundrie Points, Clauses, Heeds, Articles, and Conditions thereof; and ordaines the same to have the force and strength of Lawes, in all time coming, and to have effect and execution in all the places of this our Kingdome. And in special, that there shall be a Cessation and Abstinence from all kind of labour and handy-work, upon the five dayes abovewritten, which are appointed to be dedicat to Gods service, to the effect our Subjects may the better attend the Holy Exercises, which are to be kept in the Kirks at these times. Our will is herefore, and we charge you straitly, and Command, that incontinent these our Letters seen, ye passe, and in our Name and Authoritie make publication hereof, by open Proclamation at the market crosses of the head Burrowes of this our Realme; & other places needful;

where

wherethrough none pretend ignorance of the same. And that ye command and charge all our Subjects and Lieges, that they and every one of them have a reverend and dutiful respect and regard to the observation of the premises. And that none of them presume, nor take upon hand, upon whatsoever colour or pretext, to violat the same in any point; but to give a due Respect and Obedience thereto: And that they abstain from all kind of labour and handy-work, upon the five dayes particularly above-written. Certifying them that shall do in the contrair, that they shall be repute, holden and esteemed as Seditious, Factious and Unquiet Persons, Disturbers of the Peace and Quiet of the Kirk, Contemners of our Just and Royal Commandment, and shall be punished therefore in their Persons and goods, with all rigour and extremitie, to the terrour of others, at the arbitrimēt of the Lords of our Privie Council. The which to do we commit to you conjunctly and severally our full power, by these our Letters, delivering them &c. Given under our signet at *Halvudhouse* the 21. of *October*, and of our reigne the sixteenth, and fiftie two years 1618.

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Here ye have a minut, & the meaning of the Acts of *Perth* Assembly, which ye shall see after set down in ample forme, when we come to their ratification in Parliament. Observe here, that Cessation from all kind of labour and handy-work, upon the five dayes above-written, is Commanded, which was not required in the Act of *Perth*.

About the mids of *November*, there appeared a Prodigious Comet, which by appearance portended the warres of *Germanie*, which began not long alter, and continueth yet to this year 1611.

A comet
seen.

Mr James Law, pretended Bishop of *Glasgow*, in his Diocesan Synod holden at *Glasgow* and *Peebles*, urged Obedience to the Ordinances of *Perth* Assembly. But the Brethren convened at *Glasgow* Professed plainly, they would not acknowledge that Assembly for a Lawful Assembly. At a Diocesan Synod holden at *Peebles*, *Mr John Knox* Minister at *Melros*, in his Sermon the second day, exhorted the Brethren, and that with tears, to stand to the Libertie and Government of the Kirk, Established before the erection of the late Bishops. Yet Christmas day approaching, the Bishop urged the Presbyteries with the observation of that day, as may be seen by this Letter following.

Bishop
Law urg-
eth Obe-
dience to
the Acts of
Perth.

*To his reverend and welbeloved Brethren the Moderator, and
Brethren of the Presbyterie of Air.*

Welbeloved Brethren, ye remember how earnestly I exhorted you, at the last Synod holden at *Glasgow*, to give your Obedience to the Kings *Maj.* and the Ordinances of the last General Assembly holden at *Perth*, whereof ye are not ignorant, nor forgetful. The twenty fifth day of *December* approacheth, upon which day, it is ordained, that every one of you should preach at least one Sermon of the Nativitie & Incarnation of the Sonne of God, our Lord and Saviour *Jesus Christ*; or if your people will assemble again, ye may preach another also. These therefore are to intreat you, and if intreatie and requesting will not move you, to do your dutie willingly and obediently, as becometh good Subjects, and Godly Pastors, then in his *Maj.* Name and Authoritie, for discharge of my dutie and service, I do by these presents Command you all, and every one of you, to make due and lawful Premonition to your parishoners, to assem-

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ble and convene themselves the said 25. of *December* next to come, at your several Parish Kirks, and there by publick Preaching, Prayer, and Thanksgiving, to Worship God, & praise him for the inestimable benefite of the Birth and Incarnation of his Son. Attesting also hereby your own hearts and Consciences, that whatsoever punishment shall be inflicted by his Maj. Authoritie upon any of you; that shall be tried to disobey; or whatsoever trouble or schisme shall arise in the Kirk, by your obstinat and inexcusable refusing, all shall be imputed justly to yourselves, as being refractarie, and well deserving by your contumacie, not only to be punished by his Maj. but also to be deposed from your Offices and Places. I shall be very sorie, and heartily grieved to see the Peace of our Kirk troubled, the state thereof endangered, and the unitie, which should be among your selves, divided. And I shall find my self heavily persecuted by any of you, who shall be tried to be either Authors or Instruments of such great evils. But hoping better of you, and that ye will in Holy Wisdom, and due Obedience conform yourselves to that, which hath so much Lawful Authoritie, and will prove so Profitable, I commend you to the grace of God, and rests.

Your loving Brother.

Glasgow, penult of November 16:8.

JA. GLASGOVV.

How
Christmas
was keep-
ed.

A Little before Christmas, Letters were directed from the King to the Ministers and Presbyterie of *Edinburgh*, wherein he assured himself, that they would according to the Acts of the Assemblie, teach on Christs Nativitie, upon Yule day. The Ministers of *Edinburgh*, doubting of the convening of the people, thought it sufficient there should be preaching only in two Kirks. The people of *Edinburgh* convened not, as the Kings pensioners *Mr Patrick Galloway* and *Mr William Struthers* expected. The great Kirk was not half full, notwithstanding of the Magistrats travels. *Mr Patrick*, a vain glorious man, fretting, because he was not followed in his corrupt course, denounced that day and the Sabbath following, the famine of the Word, Deafness, Blindness, Leanness, Inabilitie to come to the Kirk, to fall upon those, who came not to his Christmas Sermon. There was such paucity of hearers in the Little Kirk, who were also of the meanest sort, that the dogs were playing in the midst of the floor. *Mr William Struthers* was so displeased, that upon the fifth of *Januar* after, he made so virulant and bitter an invective against the best professors of the Town, and worthiest of the Ministry, that the like had not been heard out of any of the pulpits of *Edinburgh* before. What he could not expresse by words, he expressed by his countenance and gesture. *Mr William Couper* preached upon Christmas day, in the *Abbey* Kirk. Many resorted to him out of curiositie; because he promised before to give them resolution that day, for observing of Holy dayes. He was so impertinent and frivolous in his arguments, that he was mocked. Soon after he contracted disease, and was vexed partly with strange visions or apprehensions, and partly with the people that craved satisfaction, which he was not able to give, specially to that Religious and good Christian *Isabel Speir*. His sickness left him not till his death.

1619.

Mr William
Struthers his
invective.

Upon the fifth of *Januar* *Mr William Struthers* preaching upon *Psalm* 41. *verse* 41. inveighed against the best Professors in *Edinburgh*. He alledged, that at all times at their Tables, Meetings, Conference, and Conventions, their Ministers were the subject of their speech, calling

then

them fleshly, carnal and corrupt men. Ye are, said he, like those, who walking in the way, and finding thornes therein, which are not thornes indeed, but in the imagination of their own brain, go not by them, nor remove them out of the way, but stand still, and go no farther; yea go to the hedge by the way side, and cut down briers and thornes, and cast them in the way, and so make moe impediments to your own selves: for we may see well enough, that all that ye seek, is to have your Ministers Silenced, Imprisoned, and Banished. Ye are a cruel and pitiless people, seeking to break the back of your Ministers. There is enough of that geir already. Howbeit ye abused your former Ministers, ye shall not obtain that of us. We are of a more manly and masculine spirit. We tell you the truth. If ye will not obey us, your blood be on your own heads: For we are resolved to obey God, the King and the Kirk. For I am assured, that whosoever they be, that have suffered hitherto for these matters, have not suffered for Gods cause; but have unnecessarily drawn down a crosse upon their own heads. Ye would have us to do here, as those that were before us in this place, to be abused with every clatter. When any privat man had received an injurie in his goods by a Courtier, then came he to the Minister, and told him, that the Gospel was persecute. And incontinent the Ministers went to the pulpit, and sounded the trumpet, that Christians were persecuted. What good came of that, the event proved at the 17. day of *December*. That day made the Kirk smart for it sensyne. I am sorie such things should be registred in our Chronicle to our great shame. That was the blot of *Edinburgh*, & the blot of the Kirk of *Scotland*. They talk meekle of these dayes, I know not what they were: for I was a lad in the school in these jolly dayes. It is a punishment denounced by *Jeremie*, that the Minister that speaketh lies, should become the tail. Christ is the head, we are the tongue, ye are the bodie. Ye would make us the tail, but it shall not be so. We shall be the head, and ye the tail. Ye must receive instruction from us, and not we from you. What Master among you will be content to receive direction from his servants? We care not for your speeches; for they are the talk of the tail, and it is not worth the hearing: For if we should follow the wind of your speeches, we should sail all the points of the compasse in one hour. The Ministers of *Edinburgh* must either be asses, to bear what burdens the people pleaseth to lay upon them; or studdies to hammer upon, what they will. As for my self, I am resolved to be a studdie. Hammer upon me as ye please, I care not. There are some Countrey Ministers in this Town, and others preaching about, who have stayed here a moneth, or thereby. With what Consciences they bide from their own Congregations so long, I know not, or what their errand is here, I cannot tell. For they go about feasting from house to house, seducing the people, speaking against Bishops, and they themselves are *Popes*: For they have an Anabaptistical Spirit, and have not received the keyes of heaven; but have thrawn out of Christs hand the keyes of hell, and sent men hither first by summar Excommunication. In his prayer after Sermon, he prayed that the Lord would take out of his *Maj.* heart, that rancor he had conceived for the ruffles he had received of the Kirk of *Scotland* and Ministers thereof. Upon the tenth of *Januar*, betwixt prayer and reading of the Text, he had these words following. I thought it absolutly necessar to advertise you of the misconstruction of our last Tuesdayes Sermon. To make an Apologie, it were idle; and as for a palinodie, we have not

learned

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learned the stile of it, as yet: For we will not disgrace the suggestion of the Spirit of God so. Ye remember the distinction we made of the people of this Town, that there were some Godly, & some profane. For there is no Congregation of the world, but it hath this mixture: For *Sodom* had *Lot*, and the house of *Noah*, *Ham*. Upon the 19. of *Januar*, he explained himself in these words. We were hardly interpret for our last tuesdayes Sermon we made in this place. We meant not of every one, but of a handful of Busie bodies, that cannot be content, except they sway the whole Estate of the Kirk & Commonwealth at their will, but we leave them to their Humors.

That the Reader may take up the humor and disposition of the man, I have thought good in this place to set down some of his fashions and practices. At the first, he was so eager an opposit to Bishops, that he could scarce give a note upon the Chapter after meals, but he would inveigh against the state of Bishops. When the Earle of *Wigtoun*, then his pupil, had stiled one of the Bishops, My Lord, he threatened to whip him. At a certain time being in *Glasgow*, when he saw *Spotswood*, then Bishop of *Glasgow*, a far off, he went into a booth, and fell in a swerfe. After they had given him aquavitz, and that he had recovered, they asked what accident had befallen him. He answered, saw ye not the Character of the Beast coming, meaning the Bishop. He, being of an ambitious and aspiring humor, was content to enter in the Ministry of *Edinburgh* by the Bishops, and none became so familiar with them, as he. Yea he got a pension from the King for service done, and to be done, for advancement of the state of Bishops. When the Ceremonies were first motioned, he seemed to mislike them, and was one of those that subscribed the Protestation, which was to be presented to the last Parliament; But when it came to practice, he was one of the first, and inveighed against such as would not follow his example. Such was his pride. There was never Pharisee heard speak more arrogantly, from time to time in his Sermons & prayers; as these speeches, uttered by him at divers times, may evidence. As for my self, though all the monarches of the earth were before me, I would not be afraid: Yea though the quintessence of mans Glorie, Majesty, & Power were all conferred upon one, & set before me, I would not be afraid. If men knew the Secret stamps and influences, wherewith God sealeth his Ministers, people would not prease to direct them. We see God as clearly, as I see the light before me, and do his Commissions, as men seeing God, & seeing that God seeth them. We are so taken up from our birth to our burial day, that there is not one hours rest to us. As sure as ye see me presently, as assuredly is the Lord leaning presently upon my shoulder. His calumnies concerning the 17. day of *December*, ye may see confuted, in the preceeding Historie.

Upon the tenth of *Februar*, *Richard Lavvson*, *James Cathken*, & *John Meen* Merchants and Burgeses of *Edinburgh*, were summoned to compear before the High Commission. They were accused for not coming to the Kirk upon Christmas day, for opening of their booth doors, walking before them in time of Sermon, dissuading others from going to the Kirk, and reasoning against preaching upon that day. They answered, they did nothing of contempt, their Reason was to try vvhether vvarrant others had. They vvere dismissed vvhith an admonition to be modest in their speeches and behaviour, in time coming.

Mr William Couper Bishop of *Galloway* sent up his advice for punish-

Some citizens of Edinburgh cited before the High Commission.

ment

ment of the Persons cited. But his advice was not followed: For it was not thought expedient to meddle with Professors at this time, when they had intention to persecute Ministers; as appeared soon after. He himself was called before an higher Commission, within six dayes after.

Upon the sixteenth of *Februarie*, Mr *William Couper* Bishop of *Galloway* departed this life, in the *Canongate*. He had never abilitie to go up to the pulpit after his Christmas Sermon. His ordinar residence was in the *Canongate* near the Chappel Royal, whereof he was Dean. When he went to his Diocie, and that was once in two years, he behaved himself very imperiously. He abused and upbraided that reverend preacher Mr *Robert Glendinning*, Minister at *Kirkcudbright*, for opposing to the exacting of the Kirk penalties by his Commissaries. He exceeded all bounds, in abusing Mr *David Pollock* Minister at *Glenluce*. He thrust in upon the Parish of *Girthon* Mr *Alexander Frissel*, the Parishoners and all the Ministers of the Diocie opposing. The man was so ignorant, that he proceeded to the Ministratation of the Sacrament without a blessing, whereby many of the people absented themselves from the table, as prohibited by him: And yet he carried a grudge at some of the Brethren for opposing. He desired the Presbyterie of *Kirkcudbright* to grant a dispensation to *James Lidderdail of Ile*, to detain in his companie the woman, with whom he had lyen in fornication. He set a tack of the Parsonage and Vicarage of the Abbacie of *Glenluce* to his Brother *Andrew Couper*, who disposed the right of the tack to *John Cravusford* of *Skel-down*, Son in law to the said Bishop. It is thought, that if just Calculat-ion were made of the Commoditie, extorted by him through his Diocie, by advice of his two covetous Counsellors, *Andrew Couper* his Brother, and *John Gilmour* writer in *Edinburgh*, for his use and theirs, by tack-ing of rents, getting of grassoms, setting of Tacks of tithes, and other like means, it would surmount the summe of an hundreth thousand merks, if not an hundreth thousand pounds. The people there curse his memorie, & for his sake all the new start-up Bishops, as hurtful to the Countrey, and serving only to suck-out the substance of mens Estates. He disposed two Kirks of the Chappel Royal, *Kirk-kinner* and *Kirkcovean*, both benefices of cure, to his Brother *Andrew*. So the Pastors serving the cure were debarred from their stipends, the Possessors refusing to make pay-ment, because of the said *Andrew* his Arrestments. He was not content with the benefices his Predecessors had clustered, till he got the Deanrie of the Chappel Royal annexed to them, before or at his entrie. Not long before his departure, he admitted to the Ministry his servant Mr *Scot* in his bed chamber at his bed-side. It is reported, that he cried of-ten before his death, when his Conscience was stirring, *a fallen star, a fallen star*: But he became more senselesse, would follow or answer the words of others, and then fall off incontinent from any Spiritual purpose. If his end had been gracious & comfortable, there had been a good report made of it. His corps was carried to Gray friers, with sound of trumpets, upon the eighteen of *Februar*. The Bishop of *St Andrews* made the funeral Sermon in Gray-frier Kirk of *Edinburgh*.

Queen Anna departed this life upon the third of *March*

Upon the Lords day the seventh of *March*, many of the inhabitants of *Edinburgh* repaired to the West Kirk, commonly called *St Cutberts* Kirk, where the Communion was to be celebrat in putitie, fearing they would not have the like occasion in their own Kirks. Whereupon Mr

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M. W.
Couper his
death.

M.R.
Dickson
confined.

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William Arthure and *Mr Richard Dickson* were summoned to compear before the High Commission at *Edinburgh*, in the Bishop of *St Andrews* house, to hear and see their accusation verified and proved, and themselves deprived from all function of the Ministry, and to be censured by all kind of censure, which by vertue of the High Commission may be imposed upon them, with certification if they compeared not upon the 12. of *March*, they would decern in manner foresaid, and cause Letters of horning to be direct, for denouncing of them rebels, for their contumacie and non-compearance. The points of their accusation were these, that they prevented the feast of Pasch: That they celebrated the Communion to the people sitting: that they distributed not the Elements with their own hands to the people kneeling; But on the contrair, the said *Mr Richard* in an exhortation made by him to the people sitting at Table, howbeit there was no appearance of any kneeling, inhibited them to kneel, and declared that the conclusion of the General Assembly was in the self superstitious and damnable, and inclined for the most part to Idolatry. *Mr Richard* compeared, and with out any long processe was deprived, and ordained to enter his Person in ward within the Castle of *Dumbartoun*. *Mr William Arthure* was commanded to supersede farther celebration of the Communion till Easter, and then to celebrat to the people kneeling. He superseeded, but celebrated it after the old manner: Because the people would not have been content, if he had celebrat it otherwise. There sat in the High Commission that day, the Bishops of *St Andrews*, *Brechin*, *Ross*, *Mr William Oliphant* the Kings Advocate, and *Mr Thomas Henrison* Commissarie. So *Mr Richard*, notwithstanding of his many young Children, was not pitied: But the other was spared through moyen and acquaintance he had among the chief of the Bishops, & for the assurance or hope they had, he would yeeld when they urged him. And indeed he was in secret busie perverting some Professors.

Spotswood
thundereth

Upon the Lords day the 14. of *March*, the Bishop of *Saint Andrews* taught in the great Kirk of *Edinburgh*, where the Chancellour, the Secretarie and other Noblemen were present. He threatned Persons of all Estates with the Kings wrath, if they gave not Obedience to the Acts of *Perth* Assembly, without a whisper in the contrair; that the people, hearing him speak with such Authoritie to the Officers of Estate, and Noblemen, might tremble. If there had not been Collusion betwixt him and some Officers of State, he would not have used such libertie and boldness. He exhorted the Counsellours and Magistrats, not only to give good example of Obedience to the people, but also to compel them to obey.

The King
urgeth the
practice of
kneeling

The King sent down a command to the Officers of State, the Lords of the Secret Council and Session, and the Advocats, to communicat in the great Kirk of *Edinburgh*, kneeling, upon Easter day next to come, under the pain of the losse of their Office; and enjoyned likewise the Magistrats of *Edinburgh* to communicat kneeling.

A meeting
of the Ci-
zizens of
Edinburgh
before the
Communi-
on.

Upon tuesday the 23. of *March*, there was a meeting of the Citizens of *Edinburgh* in the Little Kirk, before the Communion, according to the use and custome they had, since the reformation. Their custome was to convene with their Pastors upon the Tuesday, before the first Communion day. If any thing was amisse in the Life, Doctrine, or any part of the Discharge of the Pastors Office, every man had libertie to shew, wherein he

Was

was offended: And if any thing was found amiss, the Pastors promised to amend it. If the Pastors likewise had any thing to object against the Congregation, it was heard, and amendment promised. If there was any variance among neighbours, pains were taken to make reconciliation: That so both Pastors and people might Communicat in love. When the Ministers were removed, sundrie complaints were given in against them, specially against *Mr Patrick Galloway* and *Mr William Struthers*, for their invectives. When they were called in, it was laid to their charge, that they had intimat preaching upon Holy-dayes, without advice of their Session; that they never informed the people of the lawfulness of the observation of festival dayes; and yet made bitter invectives against them. But they would give no Reason for their satisfaction. It was demanded, how could they intend to celebrat the Communion kneeling, not having first informed the people of the lawfulness of it? They could give no other answer, but that it was concluded by the Assembly. It was replied, that it behoved them to have a better warrant for their Conscience, then the Conclusion of that Assembly; they had been taught otherwayes these threescore years bygone: But no sufficient answer was given. *William Rigg* urged the example of *Christ* and his Apostles, who sat at Table. *Mr Patrick Galloway* denied that *Christ* sat any manner of way. *Mr Andrew Ramsay* granted, that some way. *Mr William Struthers* counterfeited the gesture. *William Rigg* urged *Christ's* precept, divide it among you, which excludeth kneeling. *Mr Struthers* and *Mr Sidserf* jested. *Mr Patrick Galloway* assured them, he should inform the King. *Mr Andrew Ramsay*, Moderator of the meeting, at the desire of the other three, interrupted them, and would not suffer them to utter their mind fully. The misbehaviour of the Pastors, & their frivolous answers confirmed the people in their former resolution: And the meeting dissolved with great malecontentment.

Mr John Hall, one of the Ministers of *Edinburgh*, craved to be dismissed with the Kings favour, in respect of his age & infirmitie of bodie, which was granted. Yet was he not so infirm, but he might have continued teaching: For there was no sensible decay found in his gifts. The truth is, he would not offend the King by not conforming, for fear of losing of his pension; and on the other side, would have the Godly beleeve, that he was averse from the latest Novation. But they interpreted this forsaking of his station, after he had helped to set the house on fire, to proceed only from love of ease, leasiness, and fear to lose some part of his reputation, when his gifts should begin to fail. So he left his Ministry in *Edinburgh* without the peoples consent, resting only upon the Kings dimission: Because he had a pension of the King, for his good service in the pulpits of *Edinburgh*, and otherwise for furtherance of the Kings course.

The four Ministers continue in their resolution, to celebrat the Communion, conform to the Act of *Perth*, notwithstanding of the malecontentment of the people. The Session being convened upon the twenty fifth of *March*, *Mr William Struthers* Moderator warneth the Elders and Deacons to wait-on to serve the Tables, the next Sabbath. *John Meene* answered, I heard by your own speech the last day, that ye were to give the Communion to Persons, behaving themselves four sundrie wayes, sitting, Standing, Kneeling, Walking: That is Confusion, God is not the Author of Confusion, but of Order. Therefore I will not be there, nor bear witness to it. *Mr Struthers* & *Mr Galloway* raged; but could

Mr John Hall leaveth *Edinburgh*.

The Ministers of *Edinburgh* urge service at the tables.

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not give him satisfaction by Reason; only alledged the Act of *Perth*, & the confirmation of the King, and Secret Council. Whereupon *John Meene* smiling said to *Mr Galloway*, Sir, ye was wont to say to us long since, thus saith the Lord: But now ye change, and say, thus saith the King and the Kirk. *Mr Struthers*, beating upon the Table in furie, saith, what Sir? I Command you silence, I am Moderator here. But he insisted: And when *Mr Galloway* said, there is nothing altered in substance, but only in ritual things, *John Meene* answered, that all that belonged to the Institution, consisted in rites.

The Communion
celebrat
diversly.

The Communion was to be celebrat upon Easter day the 28. of *March*. To allure many to come to the Kirk, the Ministers of *Edinburgh* offered them libertie to sit, stand or kneel, as they pleased, and dealt with some in particular: But few were moved with the offer: Cold and graceless were their Communion, & few were the Communicants. And those who did Communicat, either kneeled not; or if they kneeled were of the poorer sort, who lived upon the contribution, and kneeled more for awe, then for devotion; or were members of the Secret Council. or of the Colledge of justice. Some were deceived with the offer of libertie, made by the Ministers: For when they came, the Ministers used all the means they could, to cause them kneel. *Mr Patrick*, after he had given thanks, and blessed the bread, sat down on his knees, and first received himself, and then delivered to *Mr Andrew*, sitting likewise on his knees. Thereafter they went along, *Mr Patrick* delivering the bread to the Communicants, and *Mr Andrew* following with the cup. The Provost *Sir William Nisbet* absented himself that day; Because the King required in special of the Magistrats, that they should kneel. The Chancellour, the Secrerarie, and other Lords of the Secret Council and Session, with sundrie Advocats, Communicat in the great Kirk. There were fewer Communicants in the Colledge Kirk. The Communion was celebrat the same day in the Abbay Kirk, the West Kirk, and in the Kirk on the North side of the bridge of *Leith*, after the old form, whereunto the inhabitants of *Edinburgh* resorted, in great numbers. In some Kirks of the Countrey, where the Minister conformed, the people went forth, and left the Minister alone. Some, when they could not get the Sacrament sitting, departed, and besought God to be judge betwixt them and the Minister.

Altercations
in *Edinburgh* Session.

The Session of the Kirk of *Edinburgh* being convened upon the first of *April*, the Bailiffe *Alexander Clerk* complained, that he was forced, through the absence of the Deacons, to cause other honest men to serve at the Tables. Whereupon *Mr Patrick Galloway* challenged *John Meene*, and threatened him with banishment to *Flanders*. The other said, that was tyrannie to a Kirk man, to take upon him to Banish men, and send them to *Flanders*. Ye must not sit here, said *Mr Patrick*, if ye will not obey us. I will not be displaced, said the other, by any Particular man: Let them put me out, that put me in here, & I shall not cumber you. The next Session day, *Alexander Clerk* renewed the former complaint, that there was none to serve at the Tables, in the Old Kirk, till they sent down to the Colledge Kirk for some of their number to help. *John Ingles* answered; ye know, they were ever readie before, but this novation is the occasion of mens unwillingness, at this time. Men cannot serve contrarie to their minde. *Mr Struthers* said, *John*, we thought somewhat of you before, and now we know what is in you. He said the like to *Bartlo*

Fleming

Fleeming for the like answer. It is a strange thing, said *John Meene*, ye will have us to serve, whether Reason be or not. Sir, Let us alone, said *Mr Galloway*, I said enough to you the last day: I say to thee, Man, thou art a very Anabaptist. *Mr Struthers* began to examine him, what was the Office of a Deacon. When he had answered him, he demanded, why then did he not serve at the Tables, He answered, because ye have left Christs Institution: For ye will be wiser then Christ, and set down a form of your own. O horrible Blasphemie, cried *Struthers*! If ye should serve, why have ye left us? said *Mr Sidserf*. We left you not, till ye left the truth, Sir, said *John Meene*. What, saith *Mr Thomas*, ye may as well take us to the market Crosse, and chop our flesh & bones together like meat for the pot, as to persecute us this way with your tongues, calling us Apostats, and saying that we have left the truth. *Bartlo Fleeming* riseth up to speak, *Mr Struthers* said to him, ye have read the 6. of the Acts, ye should serve at the Tables. *Bartlo* answered, we served ever before, till ye came in, and took our place over our head, & would serve yourselves. In the mean time, the Ministers were ever commanding silence. *Mr Patrick Galloway* commanded the Clerk to read the names of the Elders and Deacons, that they might see, who would refuse to serve the next day, and that their Names might be marked to inform the King. When *John Meene's* name was called on, *Mr Galloway* in a great rage cried thrice, Put him up there, put him up there, put him up there. *John Meene* answered, We know now who are our Persecutors. Yet they were so moved, that none heard him, except those, who were not speaking themselves. Then the Bailif commanded him silence, because he alledged the Bailif should sit there, to fortifie the Session, and not reigne over him. He upbraided him, but in end spake gentlie to him.

The Bishop of *Saintandrevus* held a Diocesan Synod in *Fife*, upon the sixth of *April* at *Saintandrevus*, but kept a calme course beyond all expectation; because of the report that came from Court, that the King was dangerously diseased: And so the Synod ended in one Session. But after, when he understood the King was convalescing, he threatned the Ministers of the Kirks, near adjacent to *Edinburgh*, at a Synod holden there, with banishment to the new found Lands, and losse of their Stipends. Within four dayes after, he took journey to Court. The Bishop of *Glasgow*, in his Diocesan Synod holden at *Glasgow*, took up the names of those, that had not conformed.

Mr Andreu Duncan Minister at *Carrail*, & *Mr Thomas Hogg* Minister at *Dysert*, were summoned to compear before the High Commission in *Saintandrevus* the 13. of *April*. *Mr Thomas*, in his course of Exercise, impugned directly & plainly the five Articles concluded at *Perth*, the year preceeding. First, He proved, that they swerved from the Doctrine of faith, because they want the warrant of the Word. Next, from the Doctrine of love, because by them a fearful Schisme had entered in the Kirk of *Scotland*. He deplored the miserable estate of Preachers and Professors, who had so readily received a strange pattern of human traditions; and exhorted the Brethren to resent the calamitie of the Kirk, and to provide speedy remedie against the same, as they would be answerable to the Lord, their Master, who had called them to be Office-bearers in his Kirk. He compeared in the Session-house of the Kirk of *Saintandrevus*. *Mr Alexander Gladstones* Archdean of *Saintandrevus*, Doctor *Houvie* Principal of the new Colledge, *Mr John*

Diocesan
Synods.

The Pro-
ceedings of
the High
Commis-
sion against
*Mr Tho-
mas Hog.*

1619.

Weemes of Craigtoun, then Commissar of *Saint andrews*, were the Bishops Assessors. The summons being read, the Bishop said to him, Ye are summoned to answer for your Doctrine, delivered before the Brethren of the Exercise of *Kirkcaldie*, against the Articles concluded at *Perth*. He answered, he was not bound to answer to that Judicatorie for his Doctrine, but declined it *simpliciter* as incompetent, and protested, that whatsoever he spake before them, should be taken as spoken under that Declinature, to the end that his compearance before them should neither be prejudicial to himself; nor to the Libertie of the Kirk of *Scotland*. The Bishop replied, *Mr Thomas*, take heed to your self: For in declining the Kings Authoritie, ye peril your craig. Remember what befel your Brethren at *Linlithgow*, who were long warded at *Blackness*, and after condemned for their Declinature. He answered, he would by the grace of God adhere to his Declinature, whatsoever should ensue thereupon; and protested, that he declined not the Kings Authoritie *simpliciter*, in declining that Judicatorie, by reason that he was content to be judged for his Doctrine, in a lawful General Assembly, which is a Judicatorie, Authorized by the King with consent of the Estates of the Countrey, conform to the Acts of Parliament made thereanent. And it is an ordinar thing to the Kings Lieges, without any derogation to the Kings Authority, upon lawfull exceptions, to decline Judicatories Authorized by the King, and to use Advocacion. There is a sort of you the Ministry, said the Bishop, that speak freely what you please before the people; but when ye are required to give account of your Doctrine, ye refuse to do it. He answered, he was ready to render the Reasons of his Doctrine, before competent judges, being neither ashamed nor afraid to maintain the same. The Bishop demanded, what he had said against the five Articles, in audience of the Brethren of the Presbytery? He answered, he compeared not to accuse himself. It was their part to have libelled his speeches, seing they presumed to be judges of his Doctrine. He protested against the informality of the processe, giving and not granting that they were competent judges; alledging that they could not lawfully deduce a processe against him upon the summons, by reason that the summons were conceived in general termes, and no Particulars were specified in the summons, which in effect were *super inquirendis*; to the which he was not answerable, by the Lawes of the Kingdom. Will ye not confesse then, said the Bishop, what ye have uttered against the five Articles? He answered, he would not deny his Doctrine, if it were truly rehearsed to him. Otherwise he would not confesse to the Bishop and his Assessors, seing they intended to trouble him for the same. He would be loath to procure trouble to himself without necessitie. Ye are not content, said the Bishop, to declaim in your Sermons against the Course, and State of Bishops; but also ye pray ordinarily after Sermon against Bishops, as Belligods and Hirelings. He answered, that he prayed ordinarily against Belligods and Hirelings in the Ministry, by the warrant of Gods Word, and conform to the prayer published in the book of Discipline, for the use of the Kirk of *Scotland*. The Bishop replied, there was no expresse mention made of Belligods in that prayer. He answered, the Hirelings, mentioned in that prayer, were Belligods, by reason that they who laboured for hire, only laboured for their bellies allanerly, & consequently their bellies were their God. The Bishop replied, when

ye pray against belligods and hirelings; the people apply that to us that are Bishops. He answered, he could not be answerable for the peoples application. Then said the Bishop, in great indignation, in short space, that book of Discipline (meaning the book of Common order before the Psalmes) shall be discharged, and Ministers shall be tied to set Prayers, and shall not be suffered to conceive prayers, as they please. Then the Bishop demanded, if he would take time to be advised, whether he would conform to the Articles, or not. He answered, he would have no time, and he was resolved anent these Articles, saying with *Cyprian*, *in causa tam justâ non esse opus deliberatione*. He was removed, called in again, & warned by the Bishop *apud acta*, to compare before him and his Assessors in *Edinburgh*, the twenty two day of *April*.

Upon the twenty two day of *April*, the Bishop of *St Andrews*, Mr *James Laing* Bishop of *Glasgow*, Mr *Andrew Lambe* Bishop of *Brechin*, Mr *Adam Bannatine* Bishop of *Dumblane*, Doctor *Bruce* Principal of *Saint Leonards* Colledge in *St Andrews*, Doctor *Lindsey* then Minister of *Dundie*, Mr *John Mitchelson* Minister of *Bruntland*, convened in the Bishop of *St Andrews* lodging. Mr *Thomas* being called upon compared. After the reading of the minuts of the processe begun at *St Andrews*, the Archbishop directed these speeches to his Assessors. Yee see that I had this man before me alreadie at *St Andrews*. I have dealt with him in time past, both by promises, & threatnings, to conform; but in vain. Therefore have I kepted him under processe. This man is one of the greatest adversaries to our course, that is in the Ministry: For in Pulpit he inveigheth and prayeth against us ordinarily, and in his privat Conferences he declaimeth bitterly against us; and where ever he is at Table, he taketh occasion to Dispute and Reason against our Estate, as unlawful, and pernicious to the Estate of Christs Kirk, and so perverteth simple Persons that are unlearned. This man, in his note at the Exercise, compared kneeling, in the Act of receiving the Sacrament of the supper, unto the bowing of the knee to *Baal*. He compared the Kirk of *Scotland* to that man, that was wounded betwixt *Jerusalem* and *Jericho*, of whom mention is made in the Gospel; in which comparison he made us that are Bishops, to be Robbers and Murderers of the Kirk; and compared the wise and modest Brethren of the Ministry to the *Priest* and *Levite* that passed by that wounded man, and supported him not: because these Brethren inveighed not against our Estate and Course, as he himself useth to do: And compared Preachers and Professors of his own humor unto the *Samaritan*. Yea, albeit that I dealt very gently with him at *St Andrews* in his last compareance, yet he came not to me after I had risen from the High Commission. But so soon as he returned to the Pulpit of *Dysert*, being the friday thereafter, he fell in upon our Estate, and inveighed against it, with no lesse vehemencie, then he had used in times by past. And since he came to *Edinburgh*, he reasoned at table against kneeling, in the Act of receiving the Sacrament of the supper, Affirming that it was Idolatrie. Mr *Thomas* answered, that he was little obliged to his gentle dealing, whereof he vaunted; for he had drawn him from his charge, and caused him to travel to *St Andrews*, the weather being stormie, and the way being deep. As to his other alledgances, he answered, he had indeed alluded to the Historie of *Elijah*, in his note at the Exercise; and had said, that notwithstanding the Kirk of *Scotland* had made a fearful Apostasie, & Defection from the puritie of their Profession;

yet

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yet God of his great mercie had reserved to himself his own Seven Thousand, that had not bowed their knee to *Baal*. As to the comparison of the man, that was wounded betwixt *Jerusalem* and *Jericho*, he confessed that he used it, but alledged he was not bound to answer for the speeches at that time, or for any other speeches delivered by him, either publicly or privatly, by reason they were not libelled against him in the summons, giving and not granting that they were competent judges. The Bishop of *St Andrews* replied, we will libel no new summons, but will proceed presently against you, mend ye yourself the best way that you can. He answered, that he looked for no other thing at their hands, but violence; and craved, that *Mr John Mitchelson* Minister of *Bruntland*, who had delated him to the Bishop, might be removed. He was removed to the Chamber, which was at the end of the Table, where the Bishop and his Assessors sat, howbeit the Bishop was unwilling: Yet he was called in by them to the Interloquutor. When *Mr Thomas* was called in again, the Bishop said, ye have taken exception against us all, and speciallie against me, and *Mr John Mitchelson*, alledging that I am incensed against you, and that *Mr John Mitchelson* delated you. For my own part, I protest, I have no malice in my heart against you, and in testimonie thereof, I am content to passe from all that ye have spoken against us hitherto, and it shall be reputed as not spoken, providing that ye will not speak against our Course hereafter. If ye will not meddle with us, we shall not meddle with you. And because ye are but meanly provided in *Dysert*, here I will promise before my Assessors, to provide you to the first vacant place in my Diocie, that ye can set your eyes upon: and my Assessors shall be witnesses against me, if I fail in performing of my promise made to you. He answered, his practices were repugnant to his Protestation, seing he was not singular in his judgement anent the State and Course of Bishops; but there were many Pastors in the said Archbishops Diocie, who had spoken as much, if not more, against the Articles of *Perth*, and yer had not been conveyed before the High Commission. As for meddling vwith the Estate and Course of Bishops, as God had called him to be a preacher of his Word, so in preaching it behoved him to follow the direction of the Word, and not the injunctions of men. He was content to keep his place in *Dysert*, notwithstanding that he was insufficiently provided; and that he would not redeem a greater provision at so high a price, as the losing of the libertie of his Conscience: And so besought him to do him no harme, professing he looked for none of his good. Then said Bishop *Spotswood* to his Assessors, this man would be licenced to preach as he pleaseth. It will profit us nothing to spend more time with him, let us proceed to the sentence. *Mr James Laru* Bishop of *Glasgow* craved licence to conferre with *Mr Thomas* apart, which was granted. Bishop *Laru* protested he favoured him, and advised him to accept the offer, made by the Bishop of *St Andrews*, and assured him that otherwise he would be troubled: For he perceived the Archbishop of *St Andrews* and his Assessors were fully resolved thereanent. He answered, he had been called by God to the Holy Ministry, to serve Christ, and not to please men. If the Archbishop of *St Andrews* and his Assessors were resolved to trouble him, he had resolved by the Grace of God to suffer patiently. That he had his judgement in heaven, before whom they behoved to answer, having a higher Commission then that was, which they had received from a mortal man here.

earth. The Bishop said to him, *it is long to that day*, and ye must suffer in the mean time. He reported the summe of the Conference, which was betwixt them. *Saint Andrews* said, I knew that ye would not prevail with him, let us give out sentence. *Mr Thomas* was removed, and called in again. The Clerk read the sentence, *viz*, that they had suspended him from his Ministry, and had ordained him to go to *Orkney*, within the space of fourtie dayes immediatly thereafter, to be confined there during the Kings pleasure and will. He appealed by word from their sentence, as unjust and unlawful, unto the Judgement of a lawfull General Assembly, by reason that the Particulars, upon which they had given sentence, had neither been libelled in the summons, nor confessed specially by himself, nor proven against him; but alledged allanerly by the Bishop of *Saint Andrews*. Then he protested as followeth, Here I protest before the living God, to imploy that talent, which the Lord hath committed to me, for the edifying of his Kirk. If ye impd me in the employment thereof, the Lord Jesus require it from you, at that great day of his Glorious and Fearful Appearance, and not from me. The Bishop, and his Assessors sat silent. Then Doctor *Lindsey* brake off with this storie, Two men met lately together, who had Communicat after diverse forms, the one sitting, the other kneeling. He, who had Communicat kneeling, demanded of the other, who had Communicat sitting, if he had Communicat with an uncovered head. He answered, yes. Why then, said the other, would ye not Communicat kneeling? What would ye inferre? said *Mr Thomas*. It is lawful to Communicat capping, or with an uncovered head: Therefore it is lawful to Communicat kneeling, said the Doctor. He denied the Consequence. The Doctor proved it thus; that capping and kneeling were both outward gestures of reverence. *Mr Thomas* denied, that Religious kneeling was an outward gesture of reverence only, and still denied the Consequence. The Doctor craved a Reason of his denial. He answered, howbeit he was not bound, because *affirmanti intumbit probatio*, yet seing the Doctor had succumbed in his probation, he would of his own free will render a Reason, which is this; Capping and kneeling are *diverse species gestus*. Therefore that which is attribute to the one, is not alwayes competent to the other. The Doctor replied, they are not *diverse species gestus*, sed *individua ejusdem speciei*. *Mr Thomas* answered, that the Doctors answer was absurd, and confuted by Common sense, *Tua geniculatio*, said he to the Doctor, is *individuum quid*. Therefore *geniculatio* cannot be *individuum*, seing it is attribute both to your geniculation, and the geniculation of others that kneel with you, which cannot be denied to be *individua*. Here the Doctor left the argument, and Bishop *Larw* said, it is long since I learned my logicks; and these many years I have not been versed in these *quiddities*, and subtilities. As if I were speaking like a Common Professor, that were no Scholar, I require you to shew me plainly and sensibly a Reason, why kneeling ought not to be used; in the Act of receiving the Sacrament of the Supper, as well as capping. *Mr Thomas* answered, the Reason is easie to them that are desirous to understand the Truth, and are not of a prejudged opinion. Capping in Religious exercises is an outward gesture of Veneration or Reverence only; and therefore when capping is used in the act of receiving the Sacrament of the Supper, no exception can

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justly

1619.

justly be taken against it: For what professor dare deny that reverence is due to the celebration of the Sacrament of the Supper. But kneeling in Religious exercises, is a gesture of Adoration or Divine Worship, which is proper to God allanerly. Therefore exception is justly taken against kneeling in the Act of receiving the Sacrament of the Supper, by reason that as the Honour of God is incommunicable, so Religious kneeling, which is a gesture of Divine Worship, is not to be used in the Act of receiving the Sacrament of the Supper: For that were a parting of Gods Honour betwixt God himself and the Sacramental Elements. Then Bishop Law, without any farther speech, said to him, now I understand your meaning. So ended the second and last diet of *Mr Thomas* his comparances before the High Commission.

Thereafter the Bishop of *Saint Andrews* caused summon him to compare before him, in his Diocesan Synod, holden in *Saint Andrews*, to hear, and see himself deprived of his Ministry, for his obstinate rejecting the Articles of *Perth*: But he understanding, that he proceeded in his Diocesan Synod as he pleased, compared not. Therefore the Archbishop deprived him in that Diocesan Synod upon the first citation, and afterward caused denounce him to the Horn; because he had not gone to *Orkney*, the place assigned by the High Commission for his confinement: But the Horn was not registrar.

Mr Andrew Duncan admonition to the high Commission.

Mr Andrew Duncan, Minister at *Carrail*, compared likewise. At his first diet he declined. At his second diet he stood to his former declination. The High Commission proceeded to the sentence of Deposition, and ordained him to enter in ward in *Dundie*. After the Sentence was pronounced, he gave - in this Admonition or Protestation following.

Now seing I have done nothing in this business. whereof I have been accused by you, but have been serving *Christ Jesus* my Master, in rebuking vice, in simplicitie and righteousness of heart. I protest (seing ye have done me wrong) for a remeed at God the righteous Judge his hands, to whom vengeance belongeth, and who will repay; and summon you before his dreadful judgement seat, to be censured and punished for such unrighteous dealing, at such time as his *Maj.* shall think expedient; and in the mean time decline this your Judgment *simpliciter*, now as of before, and appeal to the Ordinar Assembly of the Kirk for the reasons, before produced in writ. Pitie yourselves for the Lords sake, lose not your own dear soules. Lose them not, I beseech you, for *Esaus* his Portage. Remember *Balaam*, who was cast away by the deceit of the wages of unrighteousness; and forget not how miserable *Judas* lost himself for ever, for a trifle of money, that never did him good. Ey on back and bellie that destroyeth the soul. Better be pined to death by hunger, then for a little peltre of the earth to perish for ever; and never to be recovered, so long as the dayes of Heaven shall last, and the years of eternity shall endure. Should ye be burrioes of your own Brethren, the Sons and Servants of the Lord *Jesus*? This doing is not the doing of the Shepherds of the Flock of *Christ Jesus*. If ye will not regard your Soul, nor Conscience, Look, I beseech you, to your fame. Why will ye be miserable both in this life, and in the life to come?

When the Bishop of *Saint Andrews* had read some few lines of this Admonition, he cast it from him; and the Bishop of *Dumblane* reading it, said, he called them *Esaues*, *Balaams*, and *Judas*es. Nor, said

Mr

Mr Andreu, read again: I bad you bewar, that ye be not like them. 1619.
Alwayes no mitigation could be had. If he had called them *Esaues*, *Balaams* and *Judas*, he had not lyed. What was their proceeding against him before he came to this Admonition, and what were his defences, I have not learned.

The Bishop of *St Andreu*s being at Court, direction was sent down from the King to *Mr James Law* Bishop of *Glasgow*, to cause cite *Mr Henrie Blyth* Minister of the *Cannongate*, and *Mr David Forrester* Minister of the North-side of the bridge of *Leith*, before the High Commission, to depose them from their Ministry, and confine them. *Mr Henrie*, meaning their case to the Presbytery of *Edinburgh*; touched indirectly the Ministers of *Edinburgh*, as occasioners of their trouble: Because they complained by Letter to the King of their people, that they went to other Kirks to receive the Sacrament sitting. Whereupon his Maj. had sent down direction to trouble them. The Ministers of *Edinburgh* could not suffer any neighbour Minister besides them, that ministered the Communion, according to the Institution and laudable practice of our Kirk; Because the inhabitants went abroad to seek the Communion, where it could be had in puritie; and the Communion celebrat purely, in other Kirks beside, was an indirect taxing of their corrupt practice. *Mr William Struthers* confessed they had informed the King, who could do no lesse then they did, seeing no Ministers of *Scotland* were more persecuted, both by the Calumnies, and misbehaviour of their people, than they. But the people had just cause of offence at them, for bringing in novations in the Worship of God, contrair to their oath and subscription, and specially at *Mr Galloway* and *Mr Struthers*, the Kings pensioners, who were not ashamed to take wages for such service. *Mr Struthers* desired *Mr Henrie* to have a sure warrant for his Conscience, before he resolved to suffer, for matters that were only indifferent: The other denied the indifferency, and touched the proceedings of the Assembly at *Perth*. The Bishop of *Glasgow*, being earnestly intreated, wrote unto the King for a delay, till the two Ministers abovenamed were dealt with at more leasure. He was not willing to meddle with them, because they were not within his Diocie or Province, and because he would not seem to be a depute to the Bishop of *St Andreu*s: For he used the Ministers of his own Diocie more hardly, as ye shall see.

Upon thursday the eleventh of *June*, a Letter sent from the King was delivered about the evening to the Provost, directed to him, the Bailiffs and Council of *Edinburgh*, wherein he rebuked them sharply for suffering some inhabitants, specially some seditious Persons, to speak unreverently of Him and their Ministers, and willed them to clear themselves of their own disobedience, and to write up the names of such as contemned their Ministers, and called them Apostats, for their Obedience to his service, that they may be punished according to the Lawes. The day after the Council convened in the Little Kirk, and sent for *Mr Struthers*, *Mr Ramsey* and *Mr Sidself*. *Mr Galloway* was absent. The Ministers were demanded, if they had sent any such hard information to the King? They denied stiffly, and seemed to be altogether ignorant. Yet had they sent up a Letter, subscribed with their hands, to incense the King, and to let him understand, that he had as great advantage now of the Town of *Edinburgh*, as he

M. H.
Blyth and
Mr D. Forrester
troubled.

The Ministers of
Edinburgh
delators of
their flock.

1619.

Searching
of houses
for books.Sir James
Skeen sum-
moned be-
fore the
Council
for not
conformi-
ty.The High
Commis-
sion renew-
ed.

had at the 17. Day of *December*. The Provost desired them to give-up the names of such, as contemned or upbraided them; but it was refused. The Council resolved to send up *Mr John Hay*, a man conform, and in great credit with the Bishop of *Saintandrevus*, to pacifie the King.

The same day afternoon, after the Kings Letter was read in the Secret Council, the Captain of the Guard was directed immediatly to search *James Cathkine*, *Richard Lawson* and *Andrew Hart*, Booksellers their Booths and Houses, for all writ-Bookes and Pamphlets, as it pleased them to call them, set forth against *Perth Assemblie*; and in special the Book entituled, *Perth Assembly*, which was spread in the beginning of *June*. But neither the book, nor the Author *Mr David Calderwood* was found. In the mean time, *James Cathkine*, who went to *London* to follow his lawful trade, was committed to strait ward, in the gate House. He landed no sooner at *London*, but he was apprehended and presented before the King, and tried by questions, furnished by the Ministers of *Edinburgh*, specially *Mr Patrick Galloway*. His speeches uttered in publick, at the meeting upon the Tuesday before the Communion, were set forth in writ, and he examined thereupon: But the Lord assisting him, he professed his not conformity plainly, and purged himself of other things that were laid to his charge. The Author of the Book from this time forth removed from place to place, as the Lord provided for him, till the twenty seventh of *August*; at which time he embarked, and departed out of the Countrey.

About the same time, a warrant was sent down from the King, to warne *Sir James Skeen*, one of the Lords of the Session, before the Lords of Secret Council, to hear and see himself deprived, for not communicating kneeling at Easter. He compeared the twenty two of *June*, and after Protestation of his affection to the King and his service, purged himself of contempt of the Kings Proclamation, and alledged that he was examining witnesses at the direction of the Lords, in time of the Preparation Sermon. The Lords accepted his excuse, and wrote to the King in his favour.

About the end of *June*, was brought down a new Commission from the King, or the High Commission renewed in more ample forme, as followeth.

Our Sovereigne Lord ordaineth a Letter of Commission to be past under his *Highness* great seal of the Kingdome of *Scotland*, bearing, that forsameeke as it hath been complained by the Archbishops, Bishops, & other Ministers of that his *Maj.* Kingdome, that Advocations & Suspensions are frequently granted by the Lords of Council and Session, to such as be in processe before them, and their Ecclesiastical Court, for offences committed; whereby offenders are emboldened to continue in their wickedness, using the said Advocations and Suspensions as means to delay their trial and punishment. Therefore that no such subterfuge be left up to impious and wicked men, his *Maj.* as being Supream Governour over all Persons and Causes, both Civil, and Ecclesiastical, within his *Highness* Dominions, next and immediatly under Christ, to have given, granted and committed; like as by the tenor hereof his *Maj.* giveth, granteth and committeth full Power and Commission to the right reverend Fathers in God, his trustie and welbeloved Counsellors, *John Archbishop of St Andrews*, *Primat of Scotland*, and *James Archbishop of*

Glas.

Glasgow; to his Highness right trustie Cousins and Counsellers *Alexander Earle of Dumfermline* Chancellour, *John Earle of Marr* Treasurer, *George Earle Marshal*, *John Earle of Montrose*, and *Thomas Earle of Melroß* his Maj. Secretarie of Scotland; to the right reverend Fathers in God, *Alexander Bishop of Dunkel*, *Patrick Bishop of Aberdeen*, *Alexander Bishop of Murray*, *Andrew Bishop of Galloway*, *Patrick Bishop of Ross*, *David Bishop of Brechin*, *Adam Bishop of Dumblane*, *John Bishop of Cathness*, *Andrew Bishop of Argile*, and *George Bishop of Orkney*; to his Highness trustie Counsellers, *William Lord Sanquhar*, *Arthure Lord Forbes*, *James Lord Uchiltrie*, *Sir Richard Cockburne* Lord Privie-seal, *Sir George Hay* Clerk Register, *Sir William Levingstoun* of *Kilsyth* Knight; and to his welbelovèd *Sir John Lermonth* of *Balcolmie*, *Doctor Peter Bruce* Dean of the Chapter of *Saint Andrews*, *Mr James Hammiltoun* Dean of the Chapter of *Glasgow*, *Doctor Alexander Gladstone* Archdean of *St Andrews*, *Doctor Theodor Hay* Archdean of *Glasgow*, *Mr David Sharpe* Chanter of *Glasgow*, *Doctor Henrie Philip* Minister at *Aberbroth*, *Doctor Robert Hovvie*, Provost of the New Colledge of *St Andrews*, *Doctor James Blair* Professor of Divinitie in the said Colledge, *Doctor William Forbes* Minister at *Aberdeen*, *Doctor John Strang* Minister at *Errol*, *Dr Archibald Hammiltoun* Minister at *Paisley*, *Mrs Patrick Galloway*, *Andrew Ramsey* & *William Struthers* Ministers at *Edinburgh*, *Mr John Strauchan* Parson at *Kincardine*, *Mr John Guthrie* Minister at *Perth*, *Mr Coline Campbel* Minister at *Dundie*, *Mr John Bell* Minister at *Abernethie*, *Walter Whytfoord* Parson of *Moffet*, *Mr James Logan* Parson of *Ettilstoun*, *Mr Andrew Drummond* Minister at *Panbryde*, *Mr John Ogilvie* Minister at *Auchincoldrom*, *Mr John Mackorn* Minister at *Stratoun*, *Mr David Cuninghame* Minister at *St Andrews*, *Mr John Weems* Commissar of *St Andrews*, *Mr Thomas Henrison* Commissar of *Edinburgh*, and *Mr James Hammiltoun* Commissar of *Glasgow*; or any five of them, the Archbishop of *St Andrews* and *Glasgow*, or any one of them, being of the number of the five alwayes: And to summon and call before them, at the times and places they shall think most convenient, all persons dwelling within the Kingdom of *Scotland*; and within the Provinces of *St Andrews* and *Glasgow*, that are offenders in Doctrine, Life or Religion, or any of these, holden to be scandalous: And specially the Intercommuners and Resettlers of Jesuits, Seminarie Priests, and Masse Priests, Hearers of Masse, and Excommunicat Papists, Recusants or not Communicants, Incesuous and Adulterous Persons, all obstinat contemners of the Discipline of the Kirk, and Persons Excommunicat for the same. To take trial of the fore-named offences; and as they shall finde any Person guiltie, or Impenitent, to give direction to the Minister of the Parish, where he dwelleth, to proceed with Excommunication against him: And if the Minister obey not the said Command, to censure him by Suspension, Deprivation, or Warding, as they think meet: And farther, to Fine, Imprison, or Ward any such Persons, as they find guiltie of the said crimes, or that shall be contumacious, and refuse compearance, when they shall be charged. With power likewise to the said Commissioners, to summon and call before them all Ministers, Preachers, Doctors, or Masters of Schooles, Colledges, and Universities, and all exhorting and lecturing Readers, within the bounds foresaid, that shall be delated to them for preaching and speaking in pub.

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lick against the present established Order of the Kirk, or Estate, or against any of the Conclusions of the by-past General Assemblies of the Kirk; specially of the Acts of the General Assembly, holden at *Perth* in the moneth of *August*. 1618. years, and all disobeyers of the said Acts: Likewise writers of Pamphlets of the Constitutions of the Kirk, and printers of the said books and Pamphlets, or of any other Books without his *Maj.* licence, or warrant of such as his *Maj.* hath Authorized with the granting of licence in such causes. And whosoever that after trial shall be found guiltie of any of the premisses, to punish them by Suspension, Deprivation, Fining, Warding & Imprisoning, as they shall finde the quality of the offence to deserve. As also with power to them to receive, and discusse all Appellations, made to them from any inferiour Ecclesiastical judges, and to inhibit the said Ecclesiastical judges to proceed in any matter, which they shall hold to be improper for them, or wherein they shall perceive the said judges to have behaved themselves partially, advocating the said matters to their own judgement: and commanding the Captain and Lieutenant of his *Maj.* guard, the Provost and Bailiffs of the Burgh, where the said Commissioners shall happen to sit, Sheriffs, and Bailiffs of the Regalities, to search, take and apprehend all such offenders, and to present them to the said Commissioners, upon a warrant subscribed by any five of them (one of the said Archbishops being alwayes of the number) and charging the Captains or Constables of his *Maj.* Wards and Castles, Jaylors, and keepers of prison in Burgh or Land, to receive and detain all Persons, directed to them in such form, as by the said warrant shall be prescribed, as they will answer to the contrarie at their peril. Requiring also the Lords of his *Maj.* Privie Council, upon the sight of a certificat, subscribed by any five of the said Commissioners (one of the said Archbishops being alwayes one) either of fine imposed upon any partie, or upon their refusing to compear before the said Commissioners, to direct a summar charge of horning upon ten dayes, for payment of the fine, that shall be imposed upon them; and to direct other Letters, for denouncing of Person, that shall refuse to compear before the said Commissioners; of which Letters no suspension of relaxation shall be granted, without a Testimonie under the Archbishops hands of the parties Obedience and Satisfaction. And with power to the said Commissioners to choose Clerks, Procurator fiscal, and other members of Court, and to direct precepts, in name of the said Archbishops & their Associats, for citation of any Partie before them, in any of the causes above-named: Which precepts shall be sealed with a special seal, containing the arms of the said Archbishops. And with power to summon witnesses, in any of the said causes, under the pain of fourtie pounds money of this Realme of *Scotland*: And if the witnesses refuse to compear, the said Lords of Council shall direct charges for Payment of the penalties they shall incur, upon certificat of the said Commissioners: of all such fines as shall be imposed, the one half to pertain to his *Maj.* and his *Highbness* Treasurer, and the other half to be bestowed upon such necessarie charges, as the said Commissioners shall be forced to; and the superplus thereof to be bestowed at the sight of the said Commissioners *ad pios usus*. And generally all and sundrie other things whatsoever to do, which they shall think to be convenient for his *Maj.* service, and according to the intent of the said Commission. Attour, his *Maj.* by the tenor hereof discharges the Lords of his *Highbness* Privie Council & Session of all Advocacion from

all

all Ecclesiastical Judicatories, of any matters of the qualitie above written; but that they reserve the trial and answer, and obey the said Commissioners, or any five of them (one of the said Archbishops being one) their Officers and Ministers, in all and sundrie things concerning the Premises, under all highest pain and charge that after may follow. Given at our Manour of Greenwich, the fifteen of June, and of our Reigns of England, France and Ireland the seventeen, and of Scotland the fiftie two subscribed by the Kings own Hand.

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Sic subscribitur.

A. L. Cancell. MARRE.

MELROS. GEORGE HAY.

The Bishop of Glasgow being threatned by the King, as Bishops have been sometimes before at their own procurement, for delaying of the execution of the Sentence against *Mr Henrie Blyth* and *Mr David Forrester*, held a Court of High Commission upon the second of July, assisted with the Bishops of Ross, Galloway, Dunkel, the Earle of Melros President of the Session, the Treasurer depute, the Clerk of Register. They were accused of contempt of his Highness authoritie, interponed to the Acts of Perth Assembly, of disobedience to the said Acts, and specially for giving the Communion without kneeling, and intising the people of Edinburgh to leave their own Kirks, and to come to theirs. They answered, They had the Lawes and Acts of Parliament for the manner of their Celebration, and the practice of the Kirk these threescore Years bygone: And that there was no Act of Parliament, nor yet of any General Assembly, no nor of the Assembly holden at Perth, inhibiting the former practice. And as for the people of Edinburgh they intised none of them. No sufficient reply was made by the Lords of the High Commission. Yet were they suspended from their Ministry during the Kings pleasure, and were commanded to enter to their several wards within ten dayes. *Mr Henrie Blyth* to Innerneß, and *Mr David Forrester* to Aberdeen. Sundrie, that sat upon the Commission, protested they could not help them, because it was the Kings will, that is, they professed themselves to be slaves.

Mr H.
Blyth and
M. D. For-
rester sus-
pended &
confined.

Within two or three dayes after, *Mr John Hay* Town Clerk returned to Edinburgh, and reported, that the King would not conceive hardly of the people of Edinburgh, howsoever he was hardly informed of them, but would bear with them a while, till they were better informed. The King sent down Directions with the Bishop of St Andrews, concerning the controversie betwixt the Town of Edinburgh and their Ministers; which was debated before the Bishop of St Andrews, and the President Secretar Hammiltoun, as his Maj. Commissioners, appointed to that effect. Those that were for the Town desired, that it might be decided, whether they were guiltie of those things which were laid to their charge by his Maj. through the Information of their Ministers, or not. The two Commissioners desired the matter to be referred to them. Those, who were Commissioners for the Town, refused, unlesse the Ministers would confesse they had done wrong to the Town, or let them see the Copie of that Letter, which they sent up to the King. The Ministers made many excuses, wherefore they might not produce the Copie of the Letter. After they had sitten two dayes, the matter was referred, not without great intreatie, to the two Commissioners. They decerned, that they be more friendly to one another, then they have been, & in signe thereof

The Ma-
gistrats of
Edin-
burgh, &
Ministers
reconciled

take

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take others by the hand. *Next*, whereas there was no preaching in the New Kirk, on the Sabbath day afternoon, nor upon Tuesday, but once in fifteen dayes, it was ordained, that there should be preaching every Sabbath day after noon, and every Tuesday in the little Kirk. *Thirdly*, That nothing be done in any thing concerning Preaching or Discipline, but by the Advice of the whole Session? and in matters of great importance, by advice of the Council and Session together. Whereupon there was drinking and shaking of hands. But the reconciliation was not so heartily, as it was formal & ceremonious.

A charge
for deli-
very of for-
bidden
Books.

Upon the sixteen of *July*, all that had any infamous Books, set out against the proceedings of *Perth* Assembly, and his *May*. Authoritie interponed thereto, were charged by Proclamation at the Crosse of *Edinburgh*, to deliver them to the Clerk of Secret Council, betwixt and the twenty sixth day of the said Moneth; that the said Books may be used, as his *May*. had directed, with Certification if they failed, they should be pursued. His *May*. Direction was to burne them at the Crosse of *Edinburgh*: But few or none were delivered, and none at all burnt.

Mr R.
Bruce
tossed from
place to
place.

Mr Robert Bruce came out of *Inverness*, to his own House of *Kinnard* in *August* 1613. after his sonne had obtained his licence, But where he thought to find ease, he found vexation, namely, by the Ministers of the presbyteries of *Stirling* and *Linlithgow*, for carping the vices, whereto some of them were subject; as drunkenness, and changing from Kirk to Kirk at the Bishops pleasure. He obtained licence of the Council to transport his Familie to another of his dwelling Houses, called *Monkland*. But was forced to retire out of *Monkland* to *Kinnard*; because the Bishop of *Glasgow*, grieving at the resort of the people to the Kirk where he taught, and the fasts which were kept in his house, delated him to the King: And yet he had but two fasts all the time he was at *Monkland*, and the Persons Assembled exceeded not the number of twenty; of which number were *Mr Robert Boyd* Principal of *Glasgow* Colledge, and *Mr Robert Scot* Minister of *Glasgow*. So the Man of God was tossed from place to place.

The King
commanded
the Magis-
trats to
be changed.

Upon the Seventeen of *September*, a Letter was directed to the Provest, Bailiffs and Council of *Edinburgh*; another to the Bailiffs and Council of the *Canongate*, both sent from the King; wherein he willed them to change the Magistrats at the Next Michaelmas, and to choose none other, but such as would conform themselves to the Act of the late Assembly. as they will answer to him upon their Obedience. The Provest, Bailiffs and Treasurer of *Edinburgh* were changed, and *Alexander Clerk* was chosen Provest.

Doctor
Lindsey
consecrat
Bishop of
Brechin.

Upon the twenty third of *November*, before the Bishop and Ministers convened in *St Andrews*, Doctor *Lindsey* was consecrated Bishop of *Brechin*, in the Castle of *St Andrews*. This was the revvard he got for his book entituled *Resolutions for kneeling*, which was answered soon after, in the Book entituled, *Solutions of Doctor Resolutus his Resolutions for kneeling*.

The Conference betwixt the Bishops and Ministers at St Andrews the 21. and 24. and 25. of November 1619.

After that *Spotswood* Bishops of *St Andrews* had made a short prayer, he brake off with this speech, Brethren, I presumed to call you

together

together to this meeting, without the Kings knowledge (so like) but certifying his *Maj.* of my intention, he interpreted my dealing to the best: And therefore hath sent his trustie servant My Lord *Scoone*, to be present at our meeting, and with him his Letter, for farther declaration of his pleasure. As for my part, I confesse, I could be content that the Church of Scotland wanted these things. But seeing his *Maj.* doth urge them, & that without his displeasure we cannot tolerat your refusal any longer, the things themselves being indifferent, and now established by an Act of the Kirk, ye must not think, that we mean to suffer in this cause with you, although ye should incurre great troubles hereafter: For I will preferre the unitie of the Kirk before your Children, Wives, & Estate. And what his *Maj.* expresse commandment is, ye shall hear by his own Letter.

The summe of the Letter was this. Having heard of your meeting the 23. of *November*, I have sent our trustie servant, the Lord *Scoone*, to signifie our pleasure more fully to you, and to certifie us again of your proceedings. I command you, as ye will be answerable to me, that ye depose all those that refuse to conform, without respect of Persons, no wayes regarding the multitude of the rebellious: For if there be not a sufficient number remaining to fill their places, I will send you Ministers out of *England*. And I charge you, to certifie us of your proceedings, betwixt this and the third of *March* next-to come.

Then said Bishop *Spotswood*, Brethren, I have not called you together for disputation, to irritat one another, but that we may lay our heads together to advise upon the best course, for the peace of the Kirk, which is disturbed with a dangerous Contention. Wherefore I will desire of every one of you your advice to further this peace: And I will begin at you, My Lord *Aberdeen*. Then the Bishop of *Aberdeen* had a speech to this sense.

In these fearful and unpleasant divisions of our Kirk, I will consider first the cause: Next, the danger: Thirdly, the remeed. For the cause, I cannot excuse either side, some preventing the decree of the Kirk, presuming to preach and practise some of these things, before the Kirk had determined them, in which precipitation I cannot excuse them; For howbeit I could have wished, that these things had never been urged, and that the Church might have been without them, yet seeing in their nature they are indifferent, & the King, whose Authoritie requireth them, hath also gotten an Act of the Kirk on his side, I think it Reason, he should be obeyed. And if there were no farther, but that the Assembly of the Kirk had decreed them, it is sufficient to move Obedience, to any reasonable Person. The Next thing is the danger, which is great, according to the varietie of the Persons to be considered in our Kirk: For there are some Atheists, some Papists, and some weak Professors. Atheists I call those, who though in the former Estate of our Kirk they seemed to professe Religion, and were kept within the compasse of some Lawes; yet never made Conscience of any Religion. Of Papists I can speak by experience. When they are desired to come to the Church, and to joyne with us in the Worship of God, they answer, if you hold on the gate that ye are going, we will meet ere it be long. The Weak ones, seeing such a distraction of opinions, and contrariety among Ministers, doubt of all Religion, and cannot tell what side to take them to. The Remedie, in my judgement, is, to submit peaceably ourselves to his *Maj.* desire, since the things are indifferent, and he hath obtained an Act of the Kirk on his

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side, which may be a sufficient warrant to any reasonable man for conformity. And therefore it were good, that the Brethren conferred lovingly one with another, that so they might come to agreement.

He asked another Brothers advice, who answered; My Lord, since the things are indifferent, I see no Reason but they should be obeyed, & the rather for the fear of other inconveniences: for it is seldome seen but Schisme endeth in Heresie.

The Bishop of Brechin answered, My Lord, light & unitie should go together: Therefore I hope that a brotherly Conference on both sides, may be a good mean to bring peace.

Mr John Carmichaels advice being craved, he answered, If I may freely utter my minde (speaking of these things as they are esteemed) I have found, that the urging of things indifferent hath filled the Kirk with contentions, that those who have agreed in the foundation, could never be brought in one judgement in other lesser matters. Secondly, supposing these things indifferent, I finde the judgement of famous Divines of all times hath been, that those who agree in the foundation, should bear one with another in things indifferent. I remember to this purpose a speech of Sozomene, *Turpe est ijs in adiaphoris contendere, qui in precipuis Christianae Religionis capitibus consentiunt.* And in the German Interim, Counsel was taken to banish these worthie men, who could not yeeld to the things, which were counted indifferent, I call to minde the speech of Hermannus to Cassander, *Et tunc audeas eos in exilium ire jubere propter rituum & consuetudinum diversitatem, qui una vobiscum in precipuis Christianae Religionis capitibus consentiunt?* And upon occasion in England, I have had the judgement of some learned men in the same case, and among others of Bishop Vachan Bishop of London, whose words were to me, If I were charged (saith he) on an oath, I would take my oath, that the Kirk of England might well want these Ceremonies; and that seing we hold them indifferent, and our Brethren hold them unlawful, we are bound to bear with them: Because by the rule of the Apostle, the strong should bear with the weak &c. Thirdly, it hath been the practice of the Kirk of England, to tolerat diverse of these Brethren, though differing from them in these things; as Master Greenhame was tolerat to his dying day. After he had given his advice, because he was some what diseased, he went to his lodging.

Mr William Scot complained, that his words at Perth vvere carried to the King, and construed in another sense then he uttered them: And therefore desired to be spared. But being still urged to give his advice, he answered as followeth. I have continued in my Ministry many years; spending moe goods then ever I gained thereby, and novv the infirmities of my bodie and minde do so increafe, that I do verily think the time of my relaxation be neer. And if his Maj. be pleased sooner to discharge me, I am readie to undergo his vwill in that case, before I embrace those things that are urged.

Mr Robert Balcanquells advice being craved, he answered, My Lord, I think it fit, that advice be sought at other reformed Kirks, the matter being of so publick a nature. The Bishop replied, our Kingdom is a Monarchie, and Monarches are jealous to admit other Nations to meddle in their affairs. One King is wise enough to Govern his own Kingdom, without advice of other Nations. Yet, My Lord, said Mr Robert, the deposed & banished Ministers being constrained to go to other Countries, occasion

othe

other nations to think, that our Church is an Apostatikal Church, and his *Maj.* escapeth not without censure: Because they are not made acquaint with our proceedings. I tell you, *Mr Robert*, said the Bishop, his *Maj.* needeth not the reports of any other Countrey to uphold his respect. Nay, I am perswaded, the protestant Churches of other Countreies do so highly respect him, that there is none of them, who will not give him leave to set down what they should professe. If they that are banished go to *Monsieur du Monline*, or such men, they will tell them, that they are fooles to leave their places for such trifles. It may be indeed, if they go to *Mr John VVelsb*, and such like, he will greit and weep with them, and say, all is wrong in our Kirk. Many men, when they have little in themselves, will pretend to be zealous for the Kirk, to get them respect among the people. Nay, there be some that have their Choppins of wine among the wives. Here the Bishop of *Aberdeen* interrupted him, and said, My good Lord, be patient; Passion did never good in these matters. My Lord, ye must bear with me, said the Archbishop, for I see some of them here, I cannot forbear. I mean not *Mr William Scot* and *Mr John Carmichel*, they are modest and wise men. But fooles are they, that at a choppine of wine with wives, have been bold to say, the King will die, and the Prince is otherwayes minded: But they shall be hanged, ere the King die.

Doctor Lindsey, Bishop of *Brechin*, said, whereas it is alledged, that unitie of Religion may consist with diversitie of Ceremonies, it is true in the Catholick Kirk; but not in a Particular Kirk under one regiment; specially when diversitie is not only in Practice, but also in Doctrine: For when the one side holdeth them indifferent, the other necessaric: The one must needs be heretical.

The Bishop of *Roß* said, I am perswaded, that diversitie of Ceremonies may consist with unitie in Religion, not only in the Catholick, but also in Particular Churches, so it be not contrary to the Acts of the same Church. But seing these things are established by the Acts of the Assembly, it is Reason to require them of all the members of that Church.

The Bishop of *Aberdeen* said, it may be some of the Brethren would utter their minde more willingly, if they were not in the presence of so many. I would think it fit that the debating of the matter were referred to seven on either side. When Bishop *Spotswood* would have nominat the seven of both the sides, *Aberdeen* intreated him to name only seven for his own side.

The next day *Mr John Carmichael* went to the Bishop of *Aberdeen*, before the time of the meeting, and intreated him to relate his minde faithfully to the rest of the Bishops; because his infirmitie would not suffer him to stay with them. First, he read to him *Doctor Vmptrey's* Letter, wherein he exhorted some in place, to move the *Queen* to tolerat faithful and painful Ministers, or to remove the Ceremonies. The Bishop pressing the Acts of the late Assembly, he had this speech.

My Lord, if ye presse the Act of that Assembly on us, ye must give us leave to answer for ourselves. If ye presse us with it, ye will provoke us to utter that, which will discontent you, and make it clear to be no Law. First, yourself confessed at *Aberdeen* after, that if the Brethren had been faithfully dealt with, ye had not gotten half of them

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Their Con-
sciences are
not ruled
by such a
one as
Moulin's.

That drink
no wine in
compari-
son of the
Bishop.

The ser-
vice book
in King Ed-
ward the 6.
alloweth
diversitie in
the same
Particular
Kirk.

Apretend-
ed and null
Assembly.

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on your side. *Next*, ye know it was promised by the Archbishop, that it should not be a snare to the Kirk afterward: And therefore he desired the Brethren only to give way for the present, for the Kings satisfaction. *Thirdly*, he alledged the Act was not conceived in the termes of a Law, *We ordain*; but only in these words, *It seemeth meet or convenient*, therein setting down your judgement, & not a Law, or Decree. In respect of which tenor and form, one of the Bishops did afterward come to a number of us, who were for the present together, and said, see how we have set down this Act of Geniculation, in words, which may give the King contentment, yet such as may not enforce a Law to be a snare to the Brethren. I come not hither to flatter, but I must tell you, so long as ye suffer us to be quiet, we do not urge you with these exceptions. But if ye strait us with that Act, under the pretence of a Law, we shall be forced to make known to the world, how that Act was driven on, upon what promises and conditions it was conveyed, and how by the manner of enacting it is no Law. So if ye trouble us for the matter, we shall make the world to know, that ye molest us without a Law. And further, whereas ye call these things indifferent, if ye urge us with them, I hope by the Grace of God, that we shall make it manifest to the world, both by word and writ, that these things are not indifferent, but simply unlawful. Our sufferings, vvhhen vve clear ourselves, vvill do you more evil then good, and think not by this means to promote the Kings cause: For thereby ye do but hinder it. I come not to flatter you, if ye vvill put us to this pinch, you know vvhat to expect. Then the Bishop of *Aberdeen* answered, but ye see how earnest the King is, and vvhat a charge he hath sent. We vvould vvish toleration; but how shall vve do vvith the King to get him satisfied. *Mr John* answered, My Lord, as for the King, if ye have any love to the Kirk, or to your Brethren, you know vvell enough how to satisfie his *Maj*. I leave that to you, and intreat you, that since ye know my minde fully in these things, to consider vvhat I have said, and to report the same to the rest of the Bishops, at your meeting; because my infirmitie vvill not suffer me to be present.

When the Brethren met at eight hours, *Mr John Carmichael* was drawn to the meeting, notwithstanding of the infirmitie of his bodie. At his coming, he found them reasoning, not in solide forme, but by cursorie velitations; whereupon he said, if it be your intent to have these things fully reasoned, I pray you tell us plainly, that we may agree on some course to have things fully discussed. His desire was, that they might Reason by writ. This was refused, & the Assembly still urged to prove these things alreadie concluded. He answered, I pray you, presse us no more with that Act. Ye know what we can say of it. If we be not urged, we are loath to provoke you: But since ye move us; I must tell you that, which I said of it to the Bishop of *Aberdeen*; and so he repeated the same in publick what he had said in privat.

The Bishop of *Glasgow* hearing him object, that the Act was not conceived in the form of a Law, with these or the like words, *We ordain*; but with these words, *We think meet*, answered; that they did imitate the Apostles decree. It was replied, that would not serve for an excuse. For the Apostles affirmed it not only to seem meet to the Kirk, but also to the Holy Ghost. And therefore their Decree did bind *jure divino*. But when ordinary Office-bearers, meeting in any Assembly, say, it seemeth good unto them, it is but their Particular judgement, and bindeth not.

After

After many discourses to little purpose, because seven and seven were thought too many to bring the matter to agreement, three on either side were appointed: For the Ministers, *Mr John Carmichael*, *Mr William Scot* & *Mr David Mernis*: For the other side, the Bishop of Brechin, *Doctor Bruce* and *Doctor Howie*.

When they met afternoon, the Bishops urged the Brethren to yeeld to some mids, for satisfiing of the King; and in particular they craved, that every Communicant might receive the Elements out of the Ministers own hand, and not divide them among themselves. *Mr John Carmichael* answered, suppose we would yeeld that far, ye cannot promise that no more shall be urged upon us. They answered, it is more indeed then we can promise. Then said he, why then will ye trouble us with motions, that will not end the controversie. If we will yeeld to you that far, ye would but perswad the King, that we were coming toward you. And therefore their answer was, they could not make any mids, but desired they might enjoy their Ministry; and to this effect a Supplication was framed. *Mr John Carmichael* added, we have served, some fourtie, some moe years in the Ministry, with some measure of Profit: Conformitie is little above a year old. Unlesse it be found more profitable to the Kirk, then our Ministry for so many years, it were a hard thing to deprive us for it.

The Supplication was delivered to the Bishops at four hours. After long consultation with My Lord *Scoone*, the Ministers were called in, & the Bishop of *St Andrews* spake to this effect.

Brethren, seing the things required are Indifferent, and seing we have used all means to bring you to Conformitie; but you make your own excuses; Some pretend one thing; some another; but no wayes give ye any sufficient Reason. We think it strange, that men should stand to the practice of that, whereof they cannot give a Reason: For my own part, although I be not a great Schollar; yet I can give a Reason for what I practise. I grant some arguments may be framed against Holy dayes, though they may be easily answered. But for the other controversie of bowing our knee to our Saviour, it is the worst controversie, that ever was debated in a Christian Kirk. Wherefore I must tell you, he that will not conform himself in these things indifferent, must seek his Ministry in another Kingdom then Scotland. Therefore prepare yourselves to give an answer the morne at nine hours, when we shall have a Sermon before we depart. It may be light will come in one night, which hath not come before.

Mr Alexander Kinneer answered, My Lord, I hope ye will not presse us with any further, than was expressed in your Letter. We were sent for only to give our advice, and we have done it.

Scoone answered, there is one, above the Bishop of *St Andrews*, sent to take your answers, that I may carrie them to his Maj. One of the number answered, we have given our answer already, for which we were called.

Then the Archbishop of *St Andrews* said, ye have said indeed, that ye cannot yeeld to any mids; and desire, to continue in peace, as ye have done. But ye must meet us the morn at the time appointed, and resolve us further. *Scoone* said, if any of you depart, I will take your absence for a plain denial, and so relate it to the King. *Aberdeen* said, I see no reason that their coming should be prejudicial to them, seing they were

Reasoning
to the full
was offered
to them.

He exte-
nuareth
that which
is most
gross, that
it may be
the lesse re-
sisted.

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sent for to another end. *Scoone* answered, the King appointed me to crave their answers.

Then both *St Andrews* and *Aberdeen* contested with *Scoone*. But in end they resolved to consider the Kings Letter; and to read it to the Ministers, at the next meeting, because *Scoone* had it not presently. But none of the Ministers came to that meeting; partly because they had given an answer; partly because there was no particular place appointed. One, standing near by, heard *Scoone* breath out threatnings against absent Ministers, and ask the Bishop, what answer he should give his Majesty. The Bishop answered, Ye see the Brethren convened were Quier, Honest, Modest men, I may say the like of the rest of this part of the Countrey, except the Presbytery of *Dumfermline*, & *Mr John Scrimger*. The Bishops promised by their Letters to his Majesty, to remember my Lord *Scoone's* faithful Employment. Wherein they also were to request his Maj. to have patience till the third of *March*, at which time they promised to give his Maj. a further evidence of their Service, whereby they were in good hope to prevail.

Mr David
Forrester
before the
Bishop.

After the meeting, *Mr Henrie Blyth* and *Mr David Forrester* were called on. *Mr Henrie* being absent, the Bishop gave him this Testimonie; that he was a modest man: that all that was laid upon him, was for nothing in himself; but only because the people of *Edinburgh* would not acknowledge their own Pastors, but repaired to his Communion. Then *Mr David Forrester* was called on, to whom Bishop *Spotswood* said, *Mr David*, I have received a Letter from the King concerning you; therefore you must answer, whether ye will conform, or not, before I say any more. He answered, My Lord, I will not say, I will do it; nor will I say, I will never do it; but yet I cannot be persuaded: For I was brought up under that reverend Man of God *Mr Patrick Simpson*, from whom I sucked the contrarie from my Childhood. I was taught by him, that sitting is a Sacramental ceremonie, signifying our Spiritual Familiaritie with Christ our Head, which I hold agreeable to the Scripture: And therefore not to be altered. Then said the Bishop, *Mr David*, Well, I must tell you, I have a charge to depose you. The Bishop of *Aberdeen* said, My Lord, give me leave, I must needs say; though he be not yet fully resolved, yet he is somewhat more tractable; then when he came to us. Although he stand on his Conscience, as every good Christian should do, yet he is as modest, and ready to hear Reason, as the youngest Schollar in *Scotland*. And thus he escaped Deposition for that time. There were present at this meeting nine Bishops, *St Andrews*, *Glasgow*, *Aberdeen*, *Orkney*, *Galloway*, *Argyle*, *Iles*, *Dumblane*, *Dunkeld*. Because it was thought, that the Bishop of *Aberdeen* had retained a piece of his old credit in the hearts of the better sort, he was thought the fittest man to step - in some time, as a mid man, that so they might draw the Non-conformitants to yeeld some what: But this conclusion availed them little at this time.

M. I.
Welsh his
Letter to
M. R.
Bruce.

Because I have made mention in the former Conference, how the pretended Archbishop spake disdainfully of that Man of God, and faithfull

souldier

Soldier of Christ, *Mr Welsh*, I have here set down his Letter directed to *Robert Bruce*. 1819.

Right reverend and dearly beloved Brother, I would not let this occasion
 use, to write to you by this bearer, your kinsman, whose comportment
 in this Countrey hath alwayes been with Honour, giving testimonies of
 true Religion and Godliness, in the places of his sojourn, which for some-
 time was with me. The nullity of the Assembly at *Perth* being sent to
 me, hath taken away all pretext of ignorance and excuses; and I judge
 them blessed, who, in a defection so universal, keep their garments clean
 without spot; of which number, Sir, ye are one, whose Testimonie to
 the truth, and against the defection brought in, is known to all the Chur-
 ches. The persecution there is lamentable. But without all question,
 when the chaff is discovered, he will not let the rod of the wicked remain
 for ever upon the back of the righteous. It is no marvel, if after so long
 a peace, so great a libertie, and the puissance of the Gospel in such abun-
 dance, at the last he send a fierie trial. What my mind is concerning
 the root of these branches, the bearer will shew you more fully. They
 are no more to be counted Orthodox, but Apostats. They have fallen
 from their callings, by receiving an Antichristian, and bringing in of I-
 dolatrie, to make the Kingdom culpable, and to expose it to fearful judg-
 ments for such a high perfidie against an oath, so solemnly exacted and gi-
 ven, and are no more to be counted Christians, but Strangers, and Apo-
 stats, and Persecutors: And therefore not to be heard any more, either
 in publick, or in Consistories, Colledges, or Synods: For what fellow-
 ship hath light with darknes. So, with the measure the Lord hath given,
 I recommend you and your whole familie to his sufficient grace,

*Your loving Brother, and unworthie to be
 called the servant of Christ.*

JOHN WELSHE.

In the beginning of *December*, there was a Charge proclaimed at the
 crosse of *Edinburgh*, for the observation of Christmas day. *Mr Pa-
 trick Gallowayes* chief Reason, for preaching upon that day, was, that
 Ministers should preach in season, and out of season. Yet he preached
 not two Sabbath dayes after. Whereupon the people jesting said, *Mr
 Patrick* preached out of season, but not in season. The other pen-
 sioner *Mr William Struthers* taught in the Little Kirk. Many booth doors
 were open in time of Sermon. No intimation was made before, either
 by the Ministers, or Magistrats, that there was any preaching to be upon
 that day. as was done the two years preceeding.

Master John VVeemes, *Mr John Scrimger*, *Mr John Gillespie*,
Mr James Home, *Mr George Greir*, *Mr James Porteous* were sum-
 moned to compear before the High Commission, for not preaching upon
 Holy dayes, and not ministring the Communion, conform to the conclu-
 sions of *Perth* Assembly, at *Edinburgh* upon the 26. of *Januar*, in the
 Bishop of *St Andreus* lodging, at ten hours before noon, to hear and see
 the premisses verified, and the same being verified, to be deprived of
 all function of the Ministry, in all time coming, and to be punished by all
 censures and pains, that the High Commission may impose upon them, by
 the Acts of the General Assembly, and by vertue of his *Maj.* High Com-
 mission, vvith certification if they compear not, the High Commission

How
 Christmas
 was ob-
 served.

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 Ministers
 cited be-
 fore the
 high Com-
 mission.

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will decern in manner foresaid, and cause Letters to be directed, for denouncing them his *May.* rebels, for their contumacie and non-compearance. There were none present at the day affixed, But the Bishops of *St Andrews, Glasgow,* and the *Iles,* and *Mr Walter Whytford.* Therefore they were dismissed, and warned to compear against the first day of *March.* The Bishop caused the Clerk enact their consent to deprivation, in case they conformed not betwixt and the said day; Howbeit they all with one voice had protested, that willingly they would never renounce their Ministry. *Mr John Scrimger,* notwithstanding the Bishops threatnings, celebrated the Communion upon the sixth of *Februar,* conform to the former practice of our Kirk. *Mr George Greir's* name was scraped out of the summons, at the Earle of *Melros* his desire. *Mr James Porteous,* Minister of *Laswade,* was suspended, till the next Assembly: Because the Bishops feared, that the people would communicat with him at Easter next. *Mr James Home* Minister at *Dumbar* gave in some Reasons, which the Bishop of *St Andrews* undertaketh to answer betwixt and Pasch: But *Mr James* was rather confirmed in the Truth by his answers, they were so frivolous. *Mr John Scrimger* was deprived of his Ministry, as ye shall hear.

Some Ministers in Fife cited before the high Commission.

Upon the 21. of *Februar,* *Mr John Chalmer,* *Mr John Murray of Stramgle* *Mr William Areskeen,* *Mr James Wilson,* *Mr William Murray,* *Mr James Bennet,* and some other Ministers in *Fife,* were summoned to compear before the High Commission, upon thursday the 24. of *Februar,* in *St Andrews,* to hear and see themselves deprived, for not observing Holy dayes, and not ministering the Communion according to the order prescribed at *Perth.* All compeared, except *Mr John Chalmer* Minister at *Achterdeer,* who was excused by reason of his sickness. The Bishop had a harangue to these who compeared, and after urged them with conformitie. They refusing, the Bishop deferred them till Pasch, and inhibited them to celebrat the Communion, except they conformed, with certification in case they conformed not betwixt and that time, they should be deprived.

M. I. Scrimger before the high Commission.

Upon the first of *March,* the Bishop of *St Andrews,* assisted by the Bishops of *Dunkelden, Galloway, Iles, Dumblane,* *Mr Thomas Henri-son* Commissar of *Edinburgh,* and *Doctor Blair,* held a Court of High Commission in *Edinburgh,* in the Bishop of *Saint Andrews* his lodging. *Mr John Scrimger* Minister at *Kinghorne* being called on, *St Andrews* alledged, he promised either to conform, or to quite his Ministry, as the Act at his last compearance *Januar 26.* reported. He Answered, I am too sore straited: For to conform, I never saw Reason: As for my Ministry, it was not mine, and so I could not quite it. The Act beareth so, said *St Andrews,* and ye must stand to it; And so the Act was read. Where there is an Act in judgement, said *Mr John,* it must either arise off the processe read, and so it may bind; or it must be by consent of partie: No processe was read, no consent craved of me, no word written in my presence. We passe from that Act, said the Bishop, what say you to the summons? will you conform to the Act of *Perth,* in the Ministration of the Sacraments, and observation of Holy dayes? He Answered, before I answer, I pray your discretion to weigh the Reasons of my refusal, which is not of any contradictorie minde. My education from my childhood, and receiving the Sacrament these fourtie years after the accustomed manner, being perswaded of the truth, vowing & professing that prac-

tice,

tice, bindeth me thereto. I have likewise seen all the Ministry most
 eagerly set against Holy Dayes. Therefore I think it is a great wrong to
 urge me with them. The Kirk may change the Policie thereof, said *St*
Andrews, and things Ritual and Indifferent, as occasion and necessi-
 tie requireth. It would take a long time, said the other, to speak of the
 Kirk her power, of things Ritual and Indifferent, and what this Policie may
 be. The Bishop alledged a place out of *Mr Knox* his Historie, that
 the Church may change Rites & Ceremonies, which engender Superstition
 and Profanation. True, said *Mr John*, and so they changed in the begin-
 ning of reformation from kneeling and keeping of Holy dayes; because of
 Superstition and Profaneness: And so meant and practised *Mr Knox*. Sit-
 ting at the Table worketh these, said the Bishop: One sitting at the Table
 and giving the cup to a woman, taketh her about the neck, and kissed her.
Mr John answered, that was no Superstition, nor proveth it Profaneness to
 arise from the Action it self. The Earle of *Huntlie* and his Ladie being at
 masse, his brother would in the mean time have been at the Ladies Gentle-
 woman: Will that proye the masse profane? A Papist would deride such a
 Reason, and say it were a *non causa*. But I will prove both Superstition &
 Profaneness to arise from both these two Articles. Sundrie Popish bodies
 have thanked God for the old world coming again; because kneeling was
 revived: Some, through the confused giving & receiving of the Sacrament,
 cried, *the devil a bit have I gotten*. As for dayes, who cannot see Supersti-
 tion and Profanation to arise upon observation of the same? That proceed-
 eth of the peoples ignorance, not taught, said *Dumblane*; *Martyr* com-
 mendeth kneeling: But the place was not quoted. If superstition & profan-
 ness be ministred in respect of the action, said *Mr John*, teaching is in vain.
 Most of the reformed Kirks use kneeling, said *Dumblane*. None but *Eng-
 land*, *Papists* & *Lutherans*, said *Mr John*; *France* and *Holland* are against
 it. And here he cited a Canon of the Synods in the Low-countries. Then
 said *Dumblane*, *Beza* in his Epistle to some Brethren in *England*, is of that
 judgement, that they should rather tolerat the Ceremonies, than leave
 their Ministry. What is *Beza's* meaning, said *Mr John*, may be seen
 by the inspection of the place. Farther the case of *England*, and ours, is
 far different. And *Beza* in another Epistle exhorteth him not to burden
 the Brethren with them. Then *Saint Andrews* objected, that he gather-
 ed the people of the Countrey to his Communion. He answered, he sought
 no strangers, nor could he hold them at the door. *Dumblane* alledged
 an Act of the General Assembly, that none be received from another Pa-
 rish, without the Ministers Testimonial. I would, the Acts of the Assembly
 were kept, said *Mr John*: But that Act was made for such as were lying
 under slander, and justly refused by their own Ministers. But was what I do
 ever challenged? No, but with great comfort practised. Sundrie Ministers
 celebrating at sundrie times, the saints resorted to neighbour Kirks, as they
 were moved, and were very lovingly received. When the Ministers of
Edinburgh came to *semelin anno*, shall all the Lords people be bound
 thereto? What if they would preach but once in the moneth, should
 the people hear no oftener? Then *Saint Andrews* urged him to
 conform to the Articles, as they were expressed in the summons. He
 refused: And the Bishop required, if he would testifie that by writ. He
 answered, yes. So an Act was penned by *St Andrews* to this effect.
Mr John Scrimger Minister, being convened before the High Commis-
 sion, and inquired, if he would conform himself, & minister the Lords

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supper with kneeling, and keep yule day, as the King had commanded, answered, he refused as not being perswaded, by any Reason that ever he saw, and was sorrie at his heart, that the Kings *Maj.* should urge him with any thing, he could not be resolved in his Conscience to do. Here *Mr John* answered, that the Kings minde was not notour. It was answered, his minde was declared by Proclamation at the market crosse. He replied, that was but a small warrant. He was removed, and called in again, *Saint Andrews* said, ye are deprived of all function within the Kirk, and ordained within six dayes to enter in *Dundie*, and be confined there. It is a very summar and peremptorie sentence, said *Mr John*: Ye might have advised better, and heard what I would have said. Ye shall be heard, said *St Andrews*.

Then said *Mr John*, by your good leave then let me speak. I remember, *Mr James Nicolson*, being at our Synod in *Dysert*, the last time he was in *Fife*, sundrie of the Council being present, some things were craved in the Kings name; howbeit these, which are now urged, were scarce suspected: The Brethren were distracted, and Reasons alledged *pro* and *contra*; a privie Conference was appointed for concord, where, the Lords being present, *Mr James* regrated, that so gracious a King should be refused of his most just demands, and Brethren intending concord were so hardly interpret &c. My answer was then, and my petition, as it is now, that ye would consider wisely, what were the meekest way to pacifie the troubles of this Kirk, and which should work his *Maj.* soundest contentment, and special Honour; to wit, to regard us Ministers as his natural and loyal Subjects, giving us the common benefit of the Lawes of the Land, to deal with us by Reason, and not to force us to any point *brevi manu*. If Reason overcome us, then we behoved to yeeld. We were thought in the Land to be men of judgement, brought up by our parents at Schooles, could Reason, and give account of our Doing, Obeying, or not Obeying. Thus ye (said I to *Mr James*) and the rest, dealing for his *Maj.* in matters of the Kirk, shall procure his *Highness* Honour & Contentment, and your selves credit and comfort. Otherwise to force us with violence of Horning, Warding, as now Depriving, what Honour to the King, or Credit to you? For in all our suffering we will be the more confident. *Mr James* acknowledged that vvhich I had said, and the Lords present promised it should be so. And so I crave of you. Besides, vvhath vvas *Mr James* his judgement of this English Conformitie, the Kings Supremacie, and this Episcopacie, I can testifie to have been such as my own is now, as in Gods presence I lie not. And what was his judgement before his death, and his grief for the thing he saw then approaching, there are that can witness, and have witnessed. I doubt not but ye remember, how at the Assembly holden at *Dundie*, and after at *Montrose*, the matter being moved by the Commissioners, what were the pretences for the Kirks benefit to have some men of wisdom, endued with competent rents, known to his *Maj.* and so having access to deal for the Brethrens benefit and comfort, for planting of Kirks, providing of Ministers &c. How all this was suspected by some Brethren, fearing and foreseeing this Episcopie and English Conformitie, with what protestations and oaths this was denied, and the Brethren suspecting blamed, and hardly used for giving warning. Now what falleth out, and how truly they suspected, and what was meant

indeed.

indeed, these things shew. Suppose, I pray you, it had been said to you, Sirs, the time will come, ye will sit as great Lords, clothed with strange Authority and Majestie, call and convene, judge and condemne your faithful Brethren, cast them out of their Ministry, and expose them to the uttermost contempt of the world, for not kneeling at the Communion, for not keeping yule, what would ye have answered? Remember farther, under what blame of scandal ye bring the Kirk, as to be reproached by all the Kirks of *Europe*, for inconstancie, and falling from their Profession. We were in a most happie unitie, ye separated yourselves from us, justifie yourselves, & condemne us as Seditious, Disobedient, Disloyal, Proud, Foolish, such as stand for trifles with so gracious a Prince, that please and follow the foolish multitude, seeking praise to ourselves. We cannot be silent, being so hardly used both by word and by deed, ye drawing the sword of Authoritie against us. We are forced to plead against you, and to proclaim to the world, that some of our number, baited with the honour of the world, and the profit thereof, ambitious men, worldlings and men-pleasers, have start from us, and execute all violence and iniquitie against us.

Then said *St Andrews*, indeed ye set out your Pamphlets against us, and dare not avouch them. He answered; that is because of your violence, otherwise we shall avouch them to the whole world. I appeal you before the Lord *Jesus*, as ye shall answer to him in the day of visitation, if ye hope to have comfort, for that ye have cast *Mr John Scrimger*, and others like, out of the Lord's vineyard, as idle and evil work men; and if then the favour of men may ease you. That will not do your turne, nor help you now, said *St Andrews*. We have done for you, *Mr John*, said the Bishop of *Galloway*; and I have done for you; but ye are wilful, and will keep a Schism in the Kirk. What ever did you for me? said *Mr John*; I thank God, I was as able to do for you. As for my keeping a Schism, ye do wrong to alledge so. Ye shall not be able to quite yourselves of it. We walked all soundly in the truth, ye have leaped from us, ye make Schisms. I grant we were well, said *Saint Andrews*, if it had pleased the King, who must be obeyed. And when it shall please his *Maj.* I shall return to my former course. He answered, he is wise that is well, and can hold him so. If we were well before, the change must be evil. As for the Kings power, I professe, I am not to scanse upon it; but I have had sometimes place to Reason with his *Highness*, on that some point of his interest in the matters of God, and professed that Christ was the Sovereign and onely director of his house, and his *Maj.* was Subject to him; howbeit in room and dignitie next to him, and his *Highness* said, I shall never challenge place nor power beyond that to direct things anent the matters of God. I have had place to tell other mens matters to his *Maj.* and could, I may say truly, have climmed to these great preferments. I would request you, of your love and brotherhood, to be more favourable interpreters of his *Highness* mind towards us your Brethren, then thus to expose us to contempt, and other inconveniences. I tell you, *Mr John*, said *St Andrews*, the King is Pope now, and so shall be. He answered, that is an evil stile ye give him. Then he gave in his Reasons in writ to stay their sentence, which, *St Andrews* read at leasure. The Reasons follow.

The Reason of the Censure being taken from *Perth* Assembly, put the

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case it were Lawful, which yet is disputable: Yet the Act of geniculation was *in forma consilij, non praecepti*. *Traditio Ecclesiastica sub forma consilij, & non praecepti, libera esse dicitur.*

2. It was plainly protested, that what was consented unto, was only done to give his *Maj.* satisfaction, and not to ensnare any Brethren.

3. The Reason alledged for geniculation, was the pretence of prayer; yet it is left free to stand, or sit at prayer. *Ergo* much more should the other be free.

4. The Assembly setteth down no expresse form of ministration of the Lords Supper, or observation of Holy dayes; at least no warrant for any form practised, where alteration hath taken place. Neither is there any warrantable form directed, or approved by the Kirk, beside that which is extant in print before the Psalm book; according to which, as I have alwayes done, so now I minister that Sacrament.

5. The said Assembly, having only and properly power to appoint convenient censures against the contraveeners of their own Acts and Constitutions, have left the same free of all Sanction, or Pain, general or particular. Like as many of the Affirmative Voters have solemnly declared, that if they had known any hard Censure to have past thereupon, they had never voted to any such Constitution.

6. According to the rule, *ejusdem est exequi, cujus est condere*, it hath been the custom of all Lawful Councils, and inviolably observed by the General Assembly of Scotland, that they in their meetings have executed their own Acts, or, as occasion hath required, committed the execution of the same to certain Commissioners, Authorized to that effect, Presbyteries, or Provincial Assemblies; and hath never given place to that Papal pride, *ad Canonum Virtutem, Ordinem. Interpretationem, Dispensationem &c. requiritur Papa: Ad infallibilitatem decisionis requiritur Concilium.*

7. As there is no censure Ecclesiastical appointed in the cases above specified, so there is no Act of Parliament ordaining punishment for the alledged transgressions libelled; but by the contrair divers Acts of Parliament, allowing and commanding his *Highness* Subjects of this Kingdom, to receive the Sacraments after the manner observed by us.

8. The Constitutions of this Kirk, in their due tenor, and full extent, *viz.* anent the Conclusion of a particular matter, the penaltie against the contraveeners of that Conclusion, and execution thereof properly proceed from one and the same Authoritie, *viz.* of lawful consent of authorized Commissioners, orderly met for holding an Assembly. Neither is there any lawful power beside them, for making, establishing, and executing Constitutions of that kind. Much lesse may, or should some few of the number, after the dissolving of the General Assemblie, Eek, Alter, Impair, or presume to Execute their Acts, without their own warrant.

9. As I have received my Ministry by the lawful order of this Kirk, and by solemn oath and promise, given at my Admission, have submitted my self to the General and Provincial Assemblies, and Presbyteries, as judges ordinar, to allow my proceedings, or correct my fault, if any be &c. So I stand most humbly submitted to his *Maj.* and the said Assemblies respectively, & of Reason ought to be judged by no other, in the Particular libelled.

Take up your Reasons again, said *St Andrews*. If ye will not conform, I cannot help it. The King must be obeyed. The Lords have

given

given sentence, and will stand to it. Ye cannot deprive me of my Ministry, said *Mr John*, I received it not from you. I received it from the whole Synod of *Fyfe*. And for any thing ye do, I will never think my self deposed. If the nearness of *Kinghorne* to *Edinburgh* offend, I with I were transported. Indeed, *Mr John*, said *St Andrews*, I will be a Papist in that; The order of the Ministry hath character indelebilis. Ye are discharged only of the present exercise of it. When ever it shall please the King, ye may use it again, without any new imposition of hands. As for your transportation, that may be afterward, upon your good behaviour; but it cannot be now. Then he presented the Protestation following.

I protest before the Lord *Jesus*, that I get manifest wrong. My Reasons and Allegations are not considered, and answered. I attest you to answer before his Glorious Appearance for this, and such violent and wrong dealing, in oppressing me thus maliciously and fraudulently; and protest plainly, my cause should have been heard, as I pleaded, and still plead, & challenge *exceptionem fori ad legitimum forum & judicem*. Like as I appeal to the Lord *Jesus*, his Eternal Word, the King my dread Sovereign his Lawes, the Constitutions of this Kirk and Kingdom, the Councils and Assemblies of both. And protest, that I stand Minister of the Evangel, and only by violence am thrust from the same.

Ye must obey the sentence pronounced, said *St Andrews*. A part of the sentence was, to be confined in *Dundie*. He answered, *Dundie* is far off, I am not able for far Journeyes, as Physicians can witness, if ye will require: And little know ye what is in my purse. The Constable is there, said *St Andrews* and *Galloway*, & ye may conferre there with *Doctor Lindsey*. He answered, I purpose not to scusse my meat at my Chief, nor am I now to learn at *Doctor Lindsey*. Then where will ye choose your confining, said *Saint Andrews*. He answered at a little room of my own, called *Bowhill* in *Auchterdeer* Parish. Then said *Saint Andrews* to the Clerk, write, at *Bowhill* during the Kings pleasure.

Upon Tuesday the Second of *March*, *Mr John Weemes*, *Mr David Home*, *Mr Samuel Singlare*, *Mr Alexander Kinneir*, *Mr Alexander Smith*, *Mr William Meffan*, *Mr Alexander Home*, *Mr James Daist*, *Mr James Burnet*, *Mr Francis Collace*, *Mr John Clapperton*, Ministers in *Merce* and *Lauderdaile*, compeared before the High Commission. The Bishop of *St Andrews* urged them with conformitie; and because they refused, in vehement passion he said, I will divide you in three ranks. Some of you have been Ministers before I was Bishop. Ye look for favour, but lean not much to it, lest ye be deceived. Some of you I have admitted, and ye subscribed to things already concluded, and to be concluded. Some of you at your transportation from one Kirk to another, have made me the like promise. I will continue you all to Easter, and in the meantime see that ye celebrat not the Communion. Upon the third of *March* he sent for *Mr John Weemes*, and the Moderators of the three Presbyteries, *Chirnside*, *Dunse* and *Erstetoun*, & exhorted them to yeeld to some things, for the Kings pleasure, if it were but to make their Tables short, & to give the Elements out of their own hands. *Mr John Weemes* answered, it were as evil as kneeling, for that were to do directly against the Institution. Then said the Bishop, *Doctor Lindsey's* book, new come forth, will resolve you of all doubts. *Mr John* answered, it had been good, he had not written any thing; for he shameth himself.

Some Ministers of the Merce before the high Commission.

1620.

M.W. Le-
vingstoun
before the
high Com-
mission.

He purposed to have written no more, said the Bishop; were not that knave, (meaning *Mr David Calderwood*) who is now loppen over sea, with his purse well filled by the Wives of *Edinburgh*, had written *Perth* Assembly. It had been good, it had never been written. Seeing I can obtain nothing at your hand, grant me this one thing, that ye will be quiet, and not hinder others, who have promised, sworn, and subscribed. They made little answer.

Upon Tuesday the 28. of *March*, *Mr James Law*, Bishop of *Glasgow*, assisted with the Bishops of *Argyle*, *Galloway*, *Dumblane*, and *Mr Thomas Moorhead*, *Mr James Hammiltoun*, *Mr Archbald Hammiltoun*, *Mr David Sharpe*, *Mr Daniel Cunningham*, Doctor *Whytfoord* Minister at *Moffet*, and Doctor *Hay* Minister at *Peebles*, held a court of High Commission in *Glasgow*. *Mr Robert Scot* Minister at *Glasgow*, *Mr William Levingstoun* Minister at *Lanerk*, and *Mr John Fergusone* Minister at *Uchiltrie*, being cited before them, *Mr William Levingstoun* was called on; and when his Libel was read, he alledged, that he was not lawfully cited, because that a convenient time was not granted to him, to advise upon an answer at his compearance. A Commissar for a trifle of geir would give six dayes leasure. He was cited upon Saturday, was to preach twice upon the Lords Day after, and to ride to *Glasgow* upon Munday. But this exception was not admitted. They urged him with obedience to the Articles. He refused to have adoe with them, or their course. They urged him to take a time to advise. He refused, because he doubted not, and would not weaken others by his dissembling. They urge him with the authority of the Assembly. He answered, he was not bound to do good for that Assembly, much lesse to do evil: He would do good because it is good, and not for that Assembly. What can ye say against that Assembly, said the Bishop. It was neither free, nor full, nor formal, said *Mr William*. It stood not of such as had power to enact. I thank God, I saw it, and the proceedings of it: Lawful Commissioners were neglected, and got no vote: Others were admitted, who had no Commission. The Bishop seemed not to take notice of such speeches. When they proceeded to the sentence of Deposition, and Confining, he answered, that their sentence proceeded not from a just power, nor was given forth for a lawful cause, nor the proccesse deduced after a right manner. If the Assembly at *Perth* had been a lawful Assembly, yet none might execute the Acts of it, but either it self, or such as had Commission from it. But these that sat there, were neither the Assembly it self, nor had, or could shew, Commission or Power from it. And therefore they might not execute the Acts of it; far lesse inflict a punishment, which was not in the Act, nor was the minde of the Assembly. And so declined their judgement.

Mr John Fergusone being called on, after the Libel was read, he protested that he would hear him patiently, bear with his weakness, and tender the tenderness of his Conscience. Which being granted, he discoursed how the Lord did call him to the function of the Ministry, and in some measure had tasted the terrours of Conscience, which restrained him, that he durst not now meddle with a jot of any thing against his light. His exception of short warning was repelled. When they would have him to reason, he shunned it, as a matter belonging to a National Assembly. The Bishop of *Galloway* urged him still to give a reason, where-

fore

fore he would not conform. He *Answered* it was sufficient to him, howbeit there were no more to bear him out, that the things urged were scandalous, unexpedient, and the change was made from a better to a worse. *Glasgow* urged him to give another reason: For that was not relevant. The other intreated him to spare him. In end he was constrained to give in his second defence, which was this: That seeing the matter was Ecclesiastical, and he was obliged, in the discharge of the Duties of his calling, to the Assemblies of the Kirk: Therefore he was forced to decline their Judicatorie, as incompetent for matters concerning his calling, and so he declined their authoritie. That is an appellation, *Mr John*, said the Bishop of *Dumblane*. I know, said *Mr John*, it is a direct declining of that Seat, as no competent Judge. *Glasgow* biddeth him cast down his Declinature; which he did. *Dumblane* exhorted him, in regard that so he should incense his *Maj.* against him. He *Answered*, it was against his heart to give offence to any. Then he was urged to subscribe the Declinature; which he did freely. In end *Glasgow* asked, if he had more to say. He prayed them to construe his doing in good part; and in end, to beware to meddle with his calling, let them do with his person, as they would be answerable to the Eternal God. Well, said *Glasgow*, ye commend us to the Judgements of God, we commend you to the Mercies of God. He *Answered*, I pray you, mistake me not, I commend you not to his judgements; but tell you, ye must be answerable to his Judicatorie, how ye deal with me. *Glasgow* answered, we will be doing in the mean time. In end he was removed, and all the three were remitted till afternoon. After he was cited to hear the sentence, which was pronounced by the Bishop of *Glasgow*. the sentence so far, as concerned him, was Deposition from the Ministry, and to enter in vvard at *Perth*: he protested he would not acknowledge their Deposition, seeing he had not received his Ministry from them. Whereupon they took occasion to demand, if he would notwithstanding exerce the function of his Ministry. He *Answered*, He should teach, God vwillig, as long as any would hear him. The Bishop threatened, that if he did so, he should send up his name to the King: And vvarned him to look for the straitest punishment of the Law. As for his vvarding, he acknowledged the Kings power over his Person; and therefore vwilligly submitted his Person to his *Maj.* to do with it as seemed good to him, and such as had authoritie from him. *Mr Robert Boyd*, Principal of the Colledge of *Glasgow*, and his Brother in Law *Mr John Chalmers*, entreated the Bishop, for ease of his vvard. The Bishop consented, upon Condition that he ministred not the Communion the next Sabbath day to the rest of the Parishoners, who had not communicat the first day. But he vvent home, and perfected the Action.

Mr William Levingston was ordained to enter in vvard in *Ministry*: But he vvent home, and offered to minister the Communion to his flock. But they fearing, to be cut off from all benefit of his Ministry, refused at that time to Communicat.

Mr Robert Scott was continued till Easter after, at the earnest solicitation of the people of *Glasgow*.

The Copie of the Declinature, given in severally by the three Brethren above named.

In respect the fault libelled concerneth my Office of the Ministry

vvhich

1621.

which I received by the lawful order of this Kirk, and by solemne oath and promise given at my Admission, have submitted my self to the General and Provincial Assemblies, and Presbyteries, as judges ordinar, either to allow my proceedings, or to correct my faults: I stand most humbly submitted to his *Maj.* and the said Assemblies respectively, and by reason ought to be judged by no others, in the Particulars libelled. Therefore seing it hath been the custome of all Lawful Councils, and inviolably observed in the Generall Assemblies of the Kirk of Scotland, that they in their meetings have execute their own Acts, or committed the execution thereof to certain Commissioners. And seing the alledged Acts contain no pain or hard Censure to follow thereupon; neither hath the Assembly given power to Commissioners to execute these Acts; neither is there any Act of Parliament, ordaining punishment for the alledged transgressions libelled: But by the contrair, allowing and commanding his *Highbness* Subjects of this Kingdom, to preach, and receive the Sacrament after the manner observed by us: notwithstanding whereof, the libel threatens not only Deprivation from all function of the Ministry, but also punishment by other censures and pains, that may be imposed by vertue of the High Commission. Further, his *Maj.* and three Estates *James 6. Parl. 8. Act. 131.* dischargeth all judgements or jurisdictions Spiritual or Temporal, which are not approved by his *Maj.* and three Estates convened in Parliament, and decerneth the same to cease, till the nature thereof be first seen and considered by his *Highbness* & the said three Estates, convened in Parliament, as said is, and be allowed and ratified by them. Certifying them that shall proceed in using and executing of the said judgement and jurisdictions, or in obeying the same, not being allowed and ratified, as said is, they shall be reput, holden, called, pursued, and punished, as usurpers and contemnors of his *Highbness* Authority, for example to others. And true it is, that this Commission was not approved in Parliament, notwithstanding interveened since it was first used. Therefore, whatsoever censure ye may inflict for using, I would not incur the like for obeying, for the Reasons foresaid, and others to be added if need be, I decline the said Commission, as no wayes competent judges in the case above specified, and humbly submit my self to be judged by the Lawes of the General Assembly.

The Bishop
of Glas-
go's spee-
ches in the
Diocesan
Synod.

The Bishop of *Glasgow*, in a Sermon at his Diocesan Synod in *Glasgow* upon the 4. of *April*, asked, why may we not call a day Holy, that is appointed for preaching and prayer, seing Gods House is called Holy for the Holy use? He said, that where the zeal of the House of God did eat up Christ, now the zeal of the people eateth up the Kirk; that as Christ was crucified betwixt two thieves, so is the Kirk now betwixt Papists and Schismatics; that men are zealous now for by-respects, that they may get credit with the people, and the purse filled, as *Judas* got the bag. That they will say, they suffer for righteousness, even as *Dioscorus*, when he suffered for heresie, cried out, I suffer for righteousness sake. That it fareth best with the Kirk, when Philosophers were Princes, and Princes Philosophers, and godly Prelats hang at Princes eares like precious Jewels. He took God and his Angels to witness, that the things in question in our Kirk, were indifferent, and might lawfully be done. He took it upon his Salvation, that all the strife was for trifles, and that the Pamphleters Pamphlet (meaning the nullitie of *Perth* Assembly) that called kneeling Idolatrie, was but a false lye. He compared

many

many to *Avicenna's* maid, that from her young years was fed with poison, and it hurt her not: But wheresoever she came, her breath was pestiferous and infected others. In the full Assembly, he said, ye see how some are used, look for the like, if ye obey not. As for me, what I do in thir things, I hope in God, I shall never repent. For no request could be made by the Synod for the deprived Ministers, who were deprived some few dayes before, to strike the rest of the Brethren there convened with terrour. He said to *Mr Robert Scot*, ye will resolve better: He answered boldly in the face of the Synod, that he was resolved alreadie, and willed him to look for no other Resolution at his hands. To *Mr James Ingles*, Minister at *Dailie*, he said, he should close his mouth, and banish him the Kings Dominions, if he conformed not. *Mr James* Answered, I shall be as readie, by Gods grace, to suffer, as ye shall be to persecute. One day will make manifest, whether ye do well, or not. We will be doing till that day, said the Bishop.

The Ministers of *Edinburgh*, when Easter Communion was approaching, offered to give the Communion to the Communicants sitting, standing or kneeling: But many of the Godly would not countenance such confusion, and disformitie of gestures, some lawful, and some unlawful. And howbeit they made offer, both in the Session, and in the pulpits; yet did they fret at such as far; *Mr Patrick Galloway* stared a simple Woman in the face, when he was to give her the Elements, and the Woman being dashed, went to her knees, When the Kings Treasurer had made the shave of bread, which he had received, to serve other five, *Mr Patrick* would have given every one of them the Element of bread again: But they answered they were alreadie served. When an honest Woman had divided that part of the bread, which she had received, that she might give a part to the next, *Mr William Struthers*, ministring in the Colledge Kirk, pulled it out of her hand, as she was lifting it to her mouth, & gave her a portion out of his own hand. The most part of the Communicants, in the Old Kirk, were the Lords of Session, and their followers. There were about sixteen hundreth Communicants in the Colledge Kirk, where the Minister served from ten hours after the Sermon was ended, till four afternoon, wearied with corporal Service, but not with spiritual Exhortations. None kneeled but about twentie Persons of the whole number. If they had not brought some poor out of the hospital, who durst not refuse to begin. and give example to others, they had gotten none at all to kneel. Sundrie of the kneelers, while they were kneeling, knocked on their breasts, and lifted up their eyes and hands. The last day of the Communion, only seven kneeled; of which number were *Mr Patrick Galloway's* Wife, and her Daughter, *Mr Alexander Cumming* a Papist, and two Women in *Mr John Popes* house, another Papist.

Mr Patrick Galloway, in his Sermon at Easter, and the Sabbathday preceeding, commended the gesture of kneeling in receiving the Elements of the Supper, as the most humble gesture, and best warranted: And for his warrant cited the 95. *Psal. Phil. 2*. And the keeling of Christ in the garden, when he did sweet blood. And notwithstanding his Reasons were frivolous; Yet he could not contain himself from Provocations and invectives, whereby he procured these lines following to be sent unto him.

Easter
Communion.

M. P
Galloways
speech.

1620.

A Letter
to Mr P.
Galloway.

The Kings
Direction
to confine
certain Ci-
tizens of
Edinburgh

I received Information of your Pasch preaching, but sounding more to Warthen Peace, which I trust ye will not seal with your blood. Ye provoke like *Goliath* all, otherwayes minded, to answer your strong but rather straw-Arguments. I have examined them, your Precept, your Prophecie, your Band and Debt, and your last Munce. And truely I will not put pen to Paper, to answer one, who hath neither Logick nor Theologie; and therefore I will give you a Letter of Mark, to say what you please. But one thing I will say, that as in the pregnancy of your youth, ye stirred up the Lords against the King, at the Road of *Ruthwen*; so in the dotage of your age, ye would stir up the King against the Lords Servants, both Pastors and People. But I trust ye shall get the wages of an evill Conscience in the end, and the King shall give you no thanks. So I rest, praying God to be merciful to you.

Direction was sent down from the King, in the beginning of *April*, to confine certain Citizens of *Edinburgh*, for assisting refractarie Ministers in all their disobedience, and countenancing them in all their publick doings; specially in accompanying them, when they were cited before the High Commission, thereby encouraging them to stand-out against the Orders of the Kirk, in contempt of Authoritie. Whereupon the Persons following, nominat in the Kings Letter, were charged upon the 25. of *April*, to enter to their severall wards or confinement, without Citation, Trial or Conviction before the Conncil, only for Satisfaction to his Maj. *William Rigg* and *James Cathkine* were charged to adresse themselves to the Countrey and Bounds of *Cathness*, within the space of thirtie dayes: *Richard Lawson* to *Aberdeen*. *John Meene* to *Wigtoun* in *Galloway* within 20. dayes. *Thomas Ingles*, to the Burgh of *Montrose*, *Robert Meeklejohn* to the Citie of *Dunkelden*, within fifteen dayes: And to keep ward within the bounds limited to them, and nowayes to transcend the said bounds, without the Kings special warrant had and obtained thereto, under the pain of Rebellion. When the matter was proponed in Council, Chancellour *Setoun* said, they could not proceed so unorderly, the honest men not being cited, tried, nor convicted. The President Secretarie *Hammiltoun* answered, My Lord, the question must be framed in these termes, whether will ye give Obedience to the Kings Letter, or not? The question being thus framed, the Act passed without any contradiction. *John Ingles* escaped, because he was named *Thomas Ingles* in the Kings Letter. None were suspected of giving up their Names to the King, but the Ministers of *Edinburgh*. There was no cause known, wherefore *Robert Meeklejohn* skinner was given up with the rest, but because he sat at Table the last year, when *Mr Patrick Galloway* delivered to him the Elements. The honest men being informed, that the Council of *Edinburgh* was desirous to be acquaint with the matter, went to them, and presented the charge. The Council directed *John Bires*, *John Ingles* and *Mr John Hay* Clerk to the Bishop, to intreat for them; and willed the honest men to be present at the Session the next Session day. There the Ministers purged themselves before the Session, of delating their names, and *Mr Patrick Galloway* obscurely laid the blame upon *Mr John Hay*. *Mr John Hay* purged himself to the honest men, & left the blame upon the Ministers themselves. The Bishop of *St Andrews* seemed to be altogether ignorant of the charge: Yet he wrote to the Chancellour and the Secretarie, to superseed farther

execu-

execution till the first of *June*, and promised to write to the King in their favours, and to take the matter in his own hand. So they escaped at that time.

Upon Friday the 21. of *April*, the Bishop of *St Andrews*, assisted with Mr *John Weemes* a Senator in the Colledge of Justice, the Archdean Mr *Gladstones*, Doctor *Howie*, Doctor *Bruce*, Doctor *Blair*, held a Court of High Commission at *St Andrews*, to terrifie the Synod, which was to follow shortly after, by troubling some Ministers. Doctor *Barclay* was deprived of the exercise of preaching, within the Diocie of *St Andrews*. Mr *David Mernes*, Minister at *Carnbie*, was confined in his own Parish, and commanded not to minister the Communion till Martimas, and to resolve betwixt and that time, with certification that otherwile he needed to look for nothing but Deprivation. Mr *William Areskeen* was ordained to be confined in *Angus*. The Archdean Mr *Alexander Gladstones* came lately from Court, and reported that the King had sent two Letters to the Archbishops, charging them to go forward in deposing of disobedient Ministers, and threatening to punish civilly such as were deposed for not conformitie.

The Bishop of *St Andrews*, in a Diocefan Synod holden at *St Andrews* the 25. of *April*, said to the Ministers convened, seing we are all met together, I will cause those, that have conformed, censure those that have not conformed. So he went to the calling on the names. But the non-conformitants, after they had answered to their names, went out all but seven or eight, whereat the Bishop raged. He enquired at those who stayed, and among the rest at Mr *David Anderson*, whether they had ministred the Communion, according to the Act of *Perth*: Mr *David* answered, not. Then the Bishop demanded, what was the reason? He answered, my Parishoners will not receive it after that manner. Is that the Laird of *Torrie*, said the Bishop, that bad you say so? Tell him, I bad him go hang himself. My Lord, ye are in the wrong to the Gentleman, said Mr *David*, for bowbeit he hath land in my Parish, yet he is not my Parishoner. He never bad me say such a thing, nor conferred with me in that matter. Ye may tell him yet again, said the Bishop, I bad him go hang himself. Howbeit I were not in the place I am in, I think myself as honest a man, as any Baron in *Fife*. Thus the proud Prelat abused that Worthie and Religious Gentleman, the Laird of *Torrie*, in presence of the Synod. It was observed, that the Bishop had this word, hanging, frequent in his mouth.

Upon the tenth of *May*, Mr *Andrew Duncan*, Minister at *Ca-rail*, suspended before in *Edinburgh*, vvas deprived, for not conformitie.

Upon Monday the 19. of *June*, new intimation was made, by Proclamation at the Crosse of *Edinburgh*, of the Kings will and pleasure, concerning Obedience to be given to the Acts and Ordinances of *Perth* Assembly; specially the Acts made anent the Commemoration of the benefits received by our Saviour, upon the dayes prescribed; and anent the reverent receiving of the Holy Communion, under the pains following, to wvir, every Minister, that shall failzie in the premisses, to be called and convened before the Lords and others of the High Commission, and other ordinarie judges of the Kirk, and to be punished by Deprivation, Suspension, Confining and Warding, at the discretion of the said judges of the Kirk;

1619.

Some Ministers of *Fife* troubled by the high Commission.

A Diocefan Synod holden at Saint Andrews.

Mr Andrew Duncan deprived.

A charge for obedience to the Acts of *Perth*.

1620.

and every Person, that shall refuse to come to the Kirk, and hear preaching upon these dayes, shall pay thirteen schillings four pennies, *toties quoties*, as they shall transgresse. And sicklike, every person that shall refuse to communicate after the reverend manner that his prescribed by the Acts, shall pay according to their Ranks, Qualities & Degrees: The Earle an hundred pounds; every Lord an hundred merks; every Baron or Laird fiftie pounds, every other person of whatsoever rank or degree twenty pounds, or lesse at the discretion of the judges, before whom they should be called; and that the penalties be taken up, and applied *ad pios usus*. Farther, that none of whatsoever Rank, Qualitie or Degree, presume to impugne, detract or oppon to the Ordinances of the said Assembly, under pain to be called before the Lords of Privie Council, and to be punished after triall at the discretion of the said Lords. The reason of this charge, alledged in the narrative, was, that diverse turbulent and refractarie Spirits, as well of the Ministry, as people, preferring their own conceits and opinions to the Ordinances of the General Kirk, have incited diverse good Subjects, to misconstrue the Kings Intentions and Proceedings in the said matters; and by their Pamphlets, Libels and other Seditious Speeches in privat and publick, have traduced the said Ordinances, as Superstitious, Idolatrous, and contrarie to the Worship, prescribed in Gods Word, inducing thereby many of the Subjects to a manifest disobedience, and contempt of the said Ordinances, and causing a miserable breach of the unitie of the Kirk, to the great offence of God, and misregard of all Authoritie, both Civil, and Ecclesiastical.

W. Rigg
and John
Meen
charged de
novo.

In the beginning of *July*, the Bishop of *St Andrews* sent a Letter to the Council, that some of the Citizens of *Edinburgh*, who were charged to enter to their Wards, had given thanks for interceeding for them at the Kings hands: But *William Rigg* and *John Meen* had not come to him. Whereupon they were charged upon the third of *July*; *William Rigg* to go to *Cathness* within thirtie Dayes, and *John Meen* to the *West-Country* to *Wigtoun* within twenty dayes, and there to keep their confinement, Whereupon they went to the Bishop. and conferred with him. Howbeit he got no advantage of them: Yet he wrote to the Council in their favour; and so they were no farther pursued at that time.

Two Mi-
nisters cho-
sen to *Edin-
burgh*.

Upon the Lords Day the 15. of *October*, there was a meeting in the Council-house of *Edinburgh*, of the Old and New Council, the Old and New Session, and as many other Citizens as the House could contain, to make a leet of Ministers for planting of their Kirk. *Mr Patrick Gallopway* Moderator of the meeting, at the first said, that in his judgement there was nor a Minister in *Scotland*, but he might be had to be Minister of *Edinburgh*. Yet when *Mr David Dick*, *Mr William Scot* and *Mr John Carmichael* were nominated, he excepted against them; and said, we will have none to come here, but such as obey the King and his Lawes. So the case of the Kirk of *Edinburgh* was pitiful, in that it was defrauded of the travels & pains of the worthiest preachers in the Land, for non-commitie; and none suffered to be their Pastor, but such as were hirelings & temporizers. *John Makmath* one of the Bailiffs reviled *William Rigg*, because he alledged the election was not free, and there were many honest citizens in the Town had as a great interest in the election, as these that were present; Yet he comported with his speeches by reason of his Office. Out of the number of seven, four were chosen to be heard, *viz.* *Mr Andrew Cant*, *Mr Robert Balcanquel*, *Doctor Strang* and *Mr*

Robert

Robert Wilkie. Upon the Lords day the fifth of *November*, there was a meeting of the Provost, Bailiffs, Council, old and new Session, after the afternoons Sermon. The Ministers desired, that two of the four might be chosen; howbeit all the four were not heard. This cusemage was perceived, and opposed unto: Yet the Ministers and their Assistants put it to voting, and made choice of *Mr Robert Balcanquell* & *Doctor Strang*. There were thirtie two Citizens, or thereby, who uttered their minde freely, that the election was not free; but restrained to conformitants. Upon the thursday following, *Mr Thomas Sidserf*, a man of a virulent Spirit, inveighed against those who would not Vote, but to such as could not he had. The two Ministers, for all the Business that was made, refused to accept the Charge.

Mr Robert Bruce being delated to the King, for keeping fasts in his house, when he was in *Monkland*, & celebrating the Communion, conform to the old practice of this reformed Kirk, was ordained by a Letter directed from the King to the Council, which was read before them the 25. of *October*, to be cited and tried; and if it were found that he had not obeyed the Acts of *Perth* Assembly, to be vvarred in *Aberdeen*. Chancelour *Setoun* would have shifted the matter, alledging that the Bishops had a High Commission of their own to trie these matters. Secretarie *Hamiltoun*, after his accustomed manner, answered, will ye Reason, whether his *Maj*, should be obeyed, or not? Chancelour *Setoun* answered, we will reason, whether we shall be the Bishops hangmen, or not? So the matter was referred to the Bishops. But the death of *Mr Roberts* wife following soon after, he was spared for a time.

In the beginning of *November*, *Mr John Scrimger* being advertised, that the Bishop of *St Andrews* was to lend *Mr Alexander Scrimger* to be received Minister, preoccupied the place, and preached thrice that day, that *Mr Alexander* should have entered. The Bishop procured from the Council, that the guard might be sent to apprehend him; but he escaped. The Bishop, through intercession of friends, was induced to relax him from the Horne, and save him from Caption, providing he would keep confinement at his own house in the *Bovvhill*. So *Mr Alexander* came to *Kinghorne*, none of the people consenting, except one man, who favoured not *Mr John*, for his free and just rebukes.

Upon the Lords day the 26. of *November*, *Patrick Forbes* Laird of *Corse*, Bishop of *Aberdeen*, preaching in the Little Kirk of *Edinburgh*, said, that there were men that in a peaceable time were counted unworthie to have a place in the Kirk, who, to get themselves a name, did draw the Disciples after them, and, to be counted singular, maintained the strange errors of *Anabaptists*, *Famlists*, *Brounists* and *Separatists*. And yet was he not able to name, among all the Ministers of *Scotland*, so much as one tainted with these opinions: Neither could he distinctly set down the opinions of these Sectaries. Farther he said, they were like the *Salamanders*, that delighted to live in the fire; because matters disputable were brought in into the Kirk, they would break the Peace of the Kirk, and set all on fire. They counted none Religious, but such as spake evil of the King and of men in Authority. He began, continued and ended with these and the like odious imputations. He was sometimes of another minde: But now when he had need of a Bishoprick to repair his broken Lairdship, he verified the old saying in his own Person, *Omnis Apostata osor sui ordinis*.

1620.

A direction toward *M.R. Bruce*.

Mr J. Scrimgers place filled.

The Bishop of *Aberdeens* invective.

1620.

A fast refused.

Upon the 14. of *December*, the sincerer sort of the Session of the Kirk of *Edinburgh* urged a fast, as they had done often before, for the state of the Churches in *Germanie*. The Ministers answered, as before, that they had sought licence from the Bishop, the Bishop had advertised the King, and the King had answered by silence: Because he doubted of the *Palatines* right to the crown of *Bohemia*. It was replied, that other Kirks and Presbyteries had not sought licence from the Bishop. *Mr Patrick Galloway* answered, we have not that freedome and libertie that other Kirks have, because *Edinburgh* lost her libertie at the 17. day of *December*. When it was concluded in the Session, that there should be preaching in the *Grayfriar Church*, which was new builded, upon the Lords day following, which was the 17. of *December*. *Mr Patrick Galloway* alledged, it was a dismal day to begin preaching, in that new builded Kirk. So he harped maliciously upon the tumult, raised in *Edinburgh* the 17. day of *December*, howbeit their innocencie was cleared after exact trial and examination. If there had been any guiltiness, it became not their Pastors to be so bloodie mouthed. But such was their despight at the best professors; because they would not temporize & conforme as they did, whereby they thought themselves disgraced, that they could not be satisfied: Whereas it should have been their joy to see the constancie of their Flock.

M. P. Galloway preached on Christmas.

Mr Patrick would not preach upon the Lords day, the 24. of *December*: But he would preach upon the moonday following; because it was Christmas day. Yet in time of his Sermon there vvas an hundreth booth doores open.

1621.

Fortokenings of some mischief.

Upon tuesday the sixt of *Januar* about four afternoon, there vvas a Tenement of land burnt in *Halkerstounes* vvynd, a fire breake up in the Covvgate, vvhich vvas soon stayed; and in a Bakers, in another part of the Town. The people apprehended by these three fires arising in one day, that some mischief vvas to follow. About the same time also came in a great vvhale fish at *Montrose*.

Father Anderson set at libertie.

Father *Anderson*, a Trafficker among the Papists, vvas apprehended upon the eighteenth of *May* the year preceeding, vvith his masse clothes, books and vvrits. He was set at liberty at the Kings command upon the 13. of *Februar*. The King commanded to furnish him vvith honest apparel, to pay the charges he vvas at in the tolbooth, to give him an hundreth pounds sterline, and to put him in the first ship that sailed to *France*. It was alledged in the Kings Letter, that the King of *Francs* Ambassadour had procured him his libertie.

How good friday was kept in Edinburgh.

Upon moonday the 27. of *March*, the Bishop of *St Andrews* presented the Kings Letter, directed to the Council, to see the solemnities of Easter kept by the Council and the Colledge of justice. Upon the 29. of *March*, Secreter *Hammiltoun*, President of the Session, requested, in the Kings name, the Lords of the Session, readie to depart out of the Town to refresh themselves in time of vacance, to stay and keep good Friday and Easter. Yet many went away. Those that remained, and their dependers and followers, made up the greatest number of the audiorie, in the old Kirk upon good friday, where were about fourtie women at *Mr Andrew Ramsay's* Sermon. In the Little Kirk, there were about twelve vvomen and threescore men, vvhere *Mr Thomas Sidserf* preached, vvhereat he raged.

Easter communion.

Upon Easter day *Mr Patrick Galloway* preaching in the Old Kirk,

had

had a rare auditorie. The Tables were filled but four times. The Chancellor, and other four or five beside him, divided the bread: But *Mr Patrick* to make sure work, gave to every one of them again. The Lords and their dependers communicated at the first Table, and kneeled: At the next two tables some sat, and some kneeled. At the last all did sit: There were about twenty women, and all did sit. When he urged a certain woman to kneel, when he was to give her the element of bread, she answered, I will either receive it sitting, or not at all. In the Colledge Kirk, all the Communicants sat, except *Mr William Struthers*, *Mr Thomas Sydserf*, *Mr Thomas Sydserf's* wife, *Mr John Paip* a Papist and his wife, *John Gilmour* a Papist, and *David Mitchel*. The Provost kneeled in the old Kirk: But the Bailiffs Communicated not at all. The next day there was scarce six score of Communicants in the old Kirk, & these were of the meanest sort of the people. The Officers were directed to invite those who were going to other Kirks: But they refused. Two only kneeled that day in the Colledge Kirk. *Mr Patrick* willed the Provost and Bailiffs to provide another Minister for themselves: He would stay no longer, because he saw his Ministry was contemned. *Mr James Law* Bishop of *Glasgow* discharged any to come to the Table, except those who purposed to kneel. Whereupon the Principal of the Colledge of *Glasgow* *Mr Robert Boyd*, the Regents and the Schollars, and *Mr Robert Scot*, one of the Ministers of the Town, Communicated not.

In the beginning of *May*, or end of *April*, there was a Charge published by proclamation at the market crosse of *Edinburgh*, commanding all that had Suits, Articles, or Petitions to propon to the Parliament, to give them in to the Clerk of Register, before the 20. day of *May*, that by him they may be presented to so many of the Council, who were appointed by his Maj. to meet some dayes before the Parliament, & to consider the said Billes, Petitions and Articles, with certification that the same shall not be received, read nor voted in Parliament, except they be past under his *Hightness* hand. The Reason alledged for appointing some Councillors to consider the Billes, Petitions and Articles before the Parliament was, that divers Persons, partly by ignorance, and partly by fraud, were accustomed, presuming upon the short time of the sitting of the Parliament, to give in many Billes and Articles to those, who are appointed to sit upon the same, containing matter prejudicial to the Crown, or other good Subjects: Which shortness of time, and multitude of business, permitteth not to be so narrowly examined, as need were.

All other Corporations of the Kingdom, or Privat Persons, as they had to do in Parliament, kepted their ordinarie meetings, according to their wonted Priviledges, & the tenor of the Proclamation, to prepare their Petitions and Articles to be presented to the Parliament: But that libertie, which Ministers wont to have, of a General Assembly, to send Commissioners with Articles to the Estates convened in Parliament, was denied to them; howbeit great was the necessitie long before, & now specially, when Papists were become so insolent, and Ministers were divided among themselves.

Upon monday the seventh of *May*, some of the best affected professors in *Edinburgh* convened, to advise upon some overture, to prevent the Ratification of the Acts of *Perth* Assembly, at the ensuing Parliament.

They

I 62 I.

A proclamation for presenting grievances before the Parliament

No General Assembly to present petitions.

Means used for petition from Edinburgh against the five Articles.

1621.

They sent three Elders, and other three Professors, to crave the concurrence of the Ministry and Session, to move the Town Council to put up a Supplication to the Parliament to that effect, with the rest of their Petitions. When the Persons directed came to *Mr Struthers*, he confessed the five Articles, which had bred this rent in the Kirk, were hatched by the Jesuits. He and the rest of his Collegues, except *Mr Patrick*, promised concurrence at that time. *Mr Patrick* said, it was perillous to meddle with the Kings Business; if the King understood, that he dealt in that matter, he would call him a false knave, as he had done already for dipping in it; and that such a suit from the Town would be prejudicial to the rest of their suits. Yea, when the other three went down to him on wednesday the tenth of *May*, he moved them to alter their purpose, which was easie to do. When the same matter was proposed to the Session upon the tenth of *May*, the Provost and Bailiffs, who were present, applauded to it: But *Mr Patrick*, howbeit he was not Moderator, would not suffer it to be voted, and said, the Town had indignation enough already drawn upon them: And indeed afterward the Magistrats would not hearken to that motion.

A fast intimated.

Upon the Lords day the seventeenth of *June*, intimation was made in *Edinburgh*, after Sermon, of a fast to be kept through all the Kingdome the next two Sabbath dayes; for the Contempt of the word, Preservation of the King and his Children, the Turkes preparation lying in vwait to invade *Europe*, and seeking advantage of the division of Christians, & the Persecution of the Kirks of *Germanie* and *France*. But no mention was made of our Defection from our first zeal, love & puritie, the breach of the Covenant, and troubling of the Ministers for not conformitie: Yet warning was given, by the advice and direction of some few, to all the Ministers that had not conformed, to have a Humiliation the Sabbath day before the Parliament, with consent of the Presbyteries, where it can be had, & that every Minister have it apart by himself.

Some Ministers considering that we wanted the libertie of General Assemblies, which were wont to send Commissioners to the Parliament with Articles, agreed upon a Supplication, which was presented by *Mr Andrew Duncan* in their name, upon the ninth of *July*, to *Sir George Hay* Clerk of Register, as was appointed by the Proclamation. The tenor of Supplication here followeth.

May it please your Honours, in this present Parliament, assembled under the High and excellent *Maj.* of our dear and dread Sovereigne, to accept and consider the humble Petition of your wearied & broken hearted Brethren, Ministers and people, obliged under higher pains than losse of life, libertie, goods and fame, for *Sions* sake not to hold their tongue, but to call and cry to the God of heaven, and the Gods of the earth, that peace may be within her walls, and prosperity within her Palaces.

Although it were more expedient to weep, than to say ought, when we see the Lords armie disordered; his company broken, & the chock betwixt *Christian* and *Turk*, Protestant and Papist; some of his worthies put from their places, and others turned if not to the enemies camp, yet labouring for his cause. Neverthelesse having this happie occasion of his *Highnes* fatherly Care, Providence, and Inclination to distribute justice and mercie among his *Maj.* people, to whom by right pertain the worthie comforts and advantages, which the King of Kings hath enclosed in

his

his Royal Scepter; to be delivered forth and disposed, according to the occasions presented, & the reciprocal consideration in his *Highness* late Proclamation expressed; as also of this High Court, and of your Honours compassionat intercession for our quietness & deliverance from injuries, already felt, and further feared. We are even forced to speak, though not as *Tertullus*, or as they, who care not for the loss of such inward peace of their Soules and Consciences, so that they may gain their supposed victory: Yet holding ourselves within the bounds of that Christian Moderation, which followes God without injurie done to any man. It is not befitting our Ministerial calling, to keep secret the truth, whereof we are perswaded, & by a cowardly kind of Silence, and truthles Modestie, to betray a good cause. As touching our Grievances, and others concerning ourselves, we have locked up our hearts with Patience, and our lips with Taciturnitie, rather then we should impeach your *Honours* at this time, with our just complaints of wronged Innocencie, by so many great reproaches, shameles calumnies of Sedition, Disobedience, Hypocrites, Sectaries &c. Deprivations, and rigorous Practices inflicted upon some, as if we alone had troubled *Israel*, by holding forsooth those Principles, and maintaining those Opinions, whereupon Schismaticks & Puritans build their Heresies. and despise better than themselves: And for no other causes known to us, but for our constant care, as God has dealt to every man his measure of Faith, to build the House of God, according to the lively pattern prescribed from his Holy mountain: Our conformitie with the Kirk of *Scotland*, and the best reformed Kirks of other Countries, and our loyal Obedience to his *Maj.* Lawes, declaring and approving the true Kirk, the true members and Ministers thereof; & the Doctrine, Sacraments, Discipline to be ministred, & professed within the same. As for the vehement outcries against our cause, & the sundrie foul matters laid to our charge in word & writ, we passe them all, as swines Flesh dressed after a divers fashion, and we look for equal hearing at your Honours hands, and for *Pauls* libertie from King *Agrippa*, *thou art permitted to speak for thy self*. In this confidence of our good cause, & perswasion of your *Honours* love to the truth, known by your selves, we presse not to offend any, but being provoked, to defend ourselves, leaving to the Lord, who shall judge the quick & the dead, to perswade them, that have their eyes upon us, impartially to judge our labours in the Ministry for the true Religion, and against the enemies & adversaries thereof, our harmles conversation and blameles, as it pleases the Lord to Assist us under our infirmitie. The Reasons, whereby we are upholden in our course, Protestations, & just Defence against the opposition intended, are all made patent to the eyes of the world, nowayes to lay open the nakedness of our Mother, to the scandal of the enemy, or justly to offend any otherwise minded. But that the multitude of our Professors be not tainted with the venome of maliciousness, contrarie to the sincere milk, which they have received by a swift runing spait of human eloquence, more fitting to deceive the ear, than to work grace in the heart. If accusing were forborn, we should desist from speaking. If the sword of pursure were put up, we could soon be discharged of our Buckler. But being pursued, if we defend not, we die with shame, and are guiltie of our own overthrow.

The praise of all pains wisely taken, the step of all callings, & crown of commendable sufferings, is to do and suffer, in the Cause of *Christs* spouse,

1621.

and for the maintainance of the Salvation of our own souls. That one thing we cannot suppress, our hearts desire to have and hold Religion in libertie and puritie. And for that effect, better like of the single form of Policie in the Kirk of *Scotland*, and the reformed Kirks in other Countries, than the many Ceremonies retained by some. Yea, love and fear compelleth us to put your honours in minde, that as it hath been in all ages the holy Disposition, and happie Practise of all Gods People, to set continually before their eyes his inestimable goodness towards his Kirk, her Case and Condition in her militarie troubles, and in consideration of the one and the other Dutie required, and expected at your hands, wherethrough, in the riches of Gods Mercies, they have been safe from that dreadful ruine, which had justly overtaken the careless and the wicked. So now in time of dangerous distraction, it would please your honours to set before your eyes, how wonderfully the Lords Love, and rich grace hath been poured upon his Kirk in this Nation, and by the means of Religion, upon our gracious Sovereign, your honours Ancestours of blessed memorie, your Selves, your Friends, and upon this State, the present Estate of such a loving Mother, crying in her bloudie distresses for help at your hands, and in regard of blessings abundantly received, in the day of her libertie and health, what is due from your son-like Affections, Places of credit, and honourable Callings in your High Conventions, where God stands in the Assembly of Gods, High judges among the Gods to your well deserving Mother, in whose Womb we were conceived, and brought up on her knees to the Condition, wherein we now stand, at ease and peace, in the dayes of her distresse. Our humble petition to your honours, is, that as ye respect the Glorie of *Christs* Kingdom to be continued in this Land, the adorning of his *Maj.* Crown, and the quietness of his loving and loyal Subjects, the endless praise of your Selves, and the flourishing of your honourable Estates, with the particular comfort of so many Ministers, and Congregations within this Realm; This poor Kirk, in the day of her tears, grief and fear, by your timous intercession at his *Maj.* hands (and the Lord give you favour in the presence of the King) and your uttermost endeavours, debtful to Gods honour, and *Christs* Kirk, in this happie occasion now presented, may obtain in this present Parliament her most reasonable desires.

A sufficient and readie execution of former Acts of Parliament, made against the fearful Blasphemie of God's Name, profaning of the Lords Day, and contempt of his Sanctuary and Service, so universally overflowing in this Land, not only in the Persons of poor ignorant, in a manner tied to these horrible Crimes by a cursed custome, and beggarly necessitie; but even in the more honourable sort, whose damnable example encourageth their followers to sin without fear: With such Additions as may repress and restrain these crying Abominations in all, without respect of persons.

A safe libertie to enjoy the Profession of our Religion, as it is reformed in Doctrine, Sacraments and Discipline; and hath been openly Professed, Sworne, and Practised by Prince, Pastors and People of all ranks, your Predecessours of worthie memorie, your Selves, and we all yet living, these threescore years bygone, and above.

A full deliverance from, and a sufficient defence against all Nova-

tions

tion and novelties in Doctrine, Sacraments, and Discipline; and specially such as by Constitutions of the Kirk, Confessions of Faith, liberal Lawes of the Countrey, Oaths and Subscriptions, and long continued Practice, have been condemned and cast out as idle Rites, and Romish Formalities, under whatsoever pretence they plead for re-entrie.

That no act passe in derogation, or prejudice of the Act already granted in favour of Reformation, liberty of Assemblies, convenient execution of Discipline &c. Or for corroboration of new opinions against the same, whether Episcopacie, or Ceremonies, the shadow thereof, which for the Peace of the Kirk by heavenly wisdom should be rejected, rather than ratified.

That all Ministers, that are removed from their Charges, be restored to their places, functions and stipends.

The happiness to live under his *Maj* and his heirs, ordinarie Judges, and Rulers appointed by Law and Custome, and established by the Acts of Parliaments, that our cause be lawfully cognosced, according to order and justice, before any sentence passe against our Persons, Places and Estates: And not to be judged by any judicatorie forreign, and not established by the Lawes of the Countrey.

We trust that as *Abraham* composed the variance betwixt his own and *Lot's* servants, *Moses* interceded betwixt the *Hebrews*, and *Constantine* betwixt the Ministers of the Kirk; so the Lord shall give you courage to interceed with his *Maj*. and his *Highbness* fatherly disposition, to settle the pillars of the earth, which are shaken, and to take off the heave Burdens, the burdensome Ceremonies, the burdensome Censures, & the burthenous abuses, which many have groaned under, and with a readie and Royal hand to quench the beginning fire of Deprivation of Ministers by Ministers, of hindering Gods substantial worship by him commanded, and withdrawing from the people the appointed food of their soules, and necessarie means of their Faith and Salvation; of smiting many a true shepherd, and committing the Flock to many wolves and blind guides: Of leaving the Papists cause, and suppressing the best Ministers, whereby they get rest to mischieve the Kirk, and build up their own Synagogue; and that for the sake of ceremonies, no more necessarie for the spouse of Christ, than fairding for a chaste Matron; more readie to cross the commandment of Christ, whereby we are charged to pray to the Lord of the harvest, that he would thrust forth labourers into his harvest, then for the edification of the bodie of Christ. Thus humbly commending the innocencie of ourselves petitioners, and our just right and Possession of that reformation, which we earnestly crave to be continued, to your Honours Charitable judgement; We pray God for Christs sake to enable you to do that which may be acceptable to Himself, profitable to his Kirk, and comfortable to your own Soules, at that day when we must all appear before the judgement seat of Christ, that every man may receive according to that he hath done, whether it be good or evil; and to blesse his *Maj*. and his Royal Issue with peace and truth for ever, and your Honours with sound Religion, and Loyaltie in this life, and endless Glorie with Christ for ever.

The Clerk Register with great difficultie was intreated to receive this Supplication. When he received it, subscribed by the presenter, he professed

1621.
The Commissioners
to the Parliament
preoccupied.

he doubted whether he would exhibite it in Parliament, or not.

Upon the eighteenth of *July*, the Marquess of *Hammiltoun*, directed from Court to be grand Commissioner in Parliament, came to the Palace of *Halyrudhouse*, accompanied with sundrie of his friends. He had his first meeting in privat with the Officers of Estate, and some others, and consulted how to prevent and stop all opposition, at the ensuing Parliament, against the Ratification of the Acts of *Perth* Assembly. Upon the 20. of *July* there was a more general and publick meeting. The day appointed for the Parliament, to wit, the 23. was prorogated to the 25. that the Kings agents might take time to deal with the Commissioners. The Bishops and the Kings agents sent forth as spies, to try the inclinations of Noblemen, Commissioners of shires, Barons, & Burgeses; and as they were found affected, wrought upon them to be present, or to resolve wisely against the day appointed; specially such as had broken estates. Those whom they feared most, they would have had them to believe, that opposition was needlesse; & caused it come to their ears privily, that *Perth* Articles would be ratified. So some were dashed, and despairing cried out, our opposition will do us, evil; and the cause, no good: Others, who were of a more servil & base Spirit, resolved to follow the multitude, and the mightie. Some Noblemen obtained licence to return home, which was easily granted.

M. A. Duncan & M. A. Simpson
warded in
Dumbartoun.

Upon the Lords Day, the 22. of *July*, Mr *Alexander Simpson* Minister at *Mertoun*, preaching in the *Grayfriar-Kirk* upon *Ezek. 3: 17*. spared neither King, Bishop, nor Minister; found fault with Watchmen of both the Kirks, for not admonishing the King to forbear his Oathes, and omitting to put him in minde of the breach of the Covenant. He and Mr *Andrew Duncan* were apprehended the day following by the Captain of the Guard, and were presented before the Council afternoon, Mr *Alexander* concealed nothing of what he had said, and spared not to call the Bishops, which were present, Belligods, and the enemies to the Kirk of *Christ*; and denounced the Judgements of God against them, if they repented not. After he was removed, the Bishops would have had him publicly punished. Some bad hang him, to be a terror to the rest. Others, better acquainted with his disposition, knowing that he cared not to suffer for such a cause, thought it not expedient. It was therefore ordained, that he should be carried to *Dumbartoun*, to be warded there during the Councils will. Mr *Andrew Duncan* was accused for presenting the Supplication above written, to the Clerk of Register, subscribed with his own hand in name of others. *Sant Andrews* said to the Lords, that he was first suspended and confined, and after deposed; & because of his disobedience, denounced to the horne, and confined in *Dundie*: And yet notwithstanding had broken Ward, and preached the week before in *Carail*. Mr *Andrew* denied, that he was at the horne. As for breach of ward, he answered, that for obedience sake he stayed in *Dundie*, separated from his Wife and six Children, half an year; and the winter approaching forced him to draw homeward, thinking that either he had forgotten, or would pitie him: As also that he had received a Letter from the Bishop of *St Andrews*, to be at the meeting of some Ministers. He requested the Lords not to imprison him upon his own charges: But the sentence was resolved upon before he compared. So they were conveyed by the guard to the Cannon-gate, where they were forced to stay that night, and were not suffered to

go to their own lodgings; and the day following were convoyed by three of the guard to the Castle of *Dumbartoun*.

The well affected Ministers, convened out of all quarters of the Countrey, directed the same day, to wit, the 23. of *July*, eight or nine of their number to the Commissioners of Burrowes, who were convened in the Little Kirk, to request them to stand to the liberties of the Gospel. They received fair words, but no performance. One of the Bishop of *St Andrews* his domesticks, being present, informed the Bishop; the Bishop informed the Council: Whereupon the Ministers were to be charged by Proclamation to depart out of the Town within 24. hours, under the pain of rebellion. The alledged Reasons of the charge, were, that some of them had intruded themselves in the pulpits without a lawful warrant, or calling; and in stead of wholesome Doctrine had fallen out in most injurious and undutiful speeches against the sacred Person of the Kings *Maj.* labouring thereby, so far as in them lay, to possess the hearts of the Auditorie with some bad opinion of his *Maj.* unspotted life and conversation; that they have their Privie Conventicles and Meetings; have obtruded themselves upon some of the Estates, and in publick audience have prejudged his *Maj.* most sincere and lawful proceedings, using solistation against his *Maj.* good intentions. But the true cause was, lest they staying should procure the opposition of many to the Ratification of the Acts: whereas other Subjects of the Countrey, that had to do in that high Court of Parliament, were suffered to repair to, and remain in the Burgh. So all the Ministers, that were in the Town, were charged to depart within twenty four hours after the charge, except the ordinar Ministers of *Edinburgh*, and such others, as upon notoriety of their lawful adoes, would procure a warrant from their Ordinar, and failing him, from one of the Archbishops. The Bishops were bound by their Caveats to do nothing in Parliament, without the advice and consent of the General Assembly: but they laboured by all means, that there should be no General Assembly, to whose advice or consent they might be astricted. Yet before the last Parliament, when the erection of the Abbacies was to be called in question, Ministers were invited and desired to come and assist them with their advice and countenance. But when the five Articles were to be ratified, knowing very well that they had no warrant from the Assembly at *Perth*, to seek any ratification, they procured, that they might be removed out of the Town. There was at the same time a Highland man, called *Alan Mac-keldow*, chief of the *Clancameron*, a Sorcerer, a Murderer, a declared Rebel and outlaw, for whom charge was given to bring him in to the Council, and offer was made of five thousand pounds to the apprehender; or of Pardon, if he were lying under the danger of the Lawes. Whereupon the common people collected, that the Parliament could not end well, the beginning was so evil favoured. They were banishing God, and bringing-in the Devil.

Some zealous men of the Ministry, before the charge was published, understanding that it was to be published, thought good that a Protestation should be made by word, at the market crosse of *Edinburgh*, immediately after the Proclamation; others thought that not expedient. So a number of them, about thirtie and above, convened in a Privat house, and resolved to leave Informations and Admonitions to the Estates: And if the Informations and Admonitions wrought not the effect intended, they agreed upon a Protestation to be presented to the Estates convened.

1621.

The Ministers charged off the Town.

The resolution after the charge.

1621.

Informa-
tions and
Admoniti-
ons left by
the Mini-
sters.

Howbeit it was granted by proclamation, that so many Ministers might procure a warrant from the Bishop might bide still: Yet when some craved licence, the Bishop would not grant it, unless they would promise to make no Interpellation, nor Intercession, privat or public, against the five Articles. So seeing they could not stay, by reason of the Proclamation, nor depart with silence, they resolved, as I have said, upon Informations and Admonitions, as follow.

We the Ministers of *Jesus Christ*, in his *Hightness* Kingdom of *Scotland*, being convened from the quarters of the Countrey, to concurre for the Well of the Kirk, and according the ancient Custome thereof, observed before in Parliaments, to consult upon weightie affairs, at the present case requireth Consideration: And being charged at the *marble Crosse of Edinburgh*, to remove forth of the said Burgh within 24. hours immediatly following the said Charge, As also justly fearing harder sequels to follow upon such beginnings, have concluded, according to the necessitie laid upon us, to leave our Informations and Admonitions to the honourable Lords of Parliament, attesting them in the Name of the Lord *Jesus*, to remember the labours and sufferings of their honourable Predecessors, and to do in the matters in hand, as they would be accepted at His glorious appearance: And praying to the Father of Lights to open their eyes, and to incline their hearts to try the things that differ, and prove things expedient.

The Informations, which they left.

Your honours Assembled in this present Parliament, ought to abstain from Ratification, and all Corroboration whatsoever, of *Perth Assembly*, and the Acts thereof, for the reasons following, and many more to be produced, if your great adoes could permit you to hearken, & consider them.

1.

1. It is but an Assembly single, and in it self divided. 2. In form of proceeding, not only different from others, but directly against the order established by this Kirk. 3. In effect contrarious to all General and Provincial Assemblies, Presbyteries and Sessions, as they are instituted, and have been holden in *Scotland*, since the Reformation of Religion within the same. 4. The carried Sentence and Acts thereof are repugnant to the Form of Religion, Received, Beleaved, Professed, Established and Defended by this Kirk, and whole Body of this Realm, by your honourable Predecessors of worthie memorie, and yourselves, and practised universally, and in the severall Parishes of this Kingdom, these 60. Years & above, *Non est a consuetudine recedendum facile, nisi rationi adversetur*, much lesse from a known truth, directed and blessed by God with such abundance of Benefits, as the Land had enjoyed with Religion. No Kirk of *Protestant* or *Lutheran*, or of any other Profession, Papist, or other, will change without some evident, at least apparent reason of the word. The change but of the Old Calendar for the Popes new one (& that was but a small thing) made a great hurly-burly, both at *Riga* in *Livonia* & *Augusta*.

2.

Such Ratification should Crosse, and directly Prejudice the Acts of Parliament 1592. and the provision expressed in the Act of Parliament 1597. and all other Acts set down in favour of the Jurisdiction of the Kirk, libertie thereof, Assemblies, and Discipline. *Item*, His Maj. Proclamation Published and Printed at command of his Council 1605. *Item*, The Protestation made at *Perth* 1606. and all others made before and since. *Item*, The Covenant made by the Ministers and Professors of this Kingdom 1596. and 1597. and all other Bands, whereby Pastors

and flocks have obliged themselves in their Persons, and continual Practice, to stand to the Form of Religion, received and practised. *Tales legum mutationes would prove legum Vulnera. Quæ in suo statu eademque manent, etsi deteriora sunt, tamen utiliora sunt Reipublicæ, quam quæ per renovationem vel meliora inducuntur.* And with what credit and constancie could your honours confirm separation from your Fathers, and the breach of ancient unitie and conformitie with your own Kirk, when it may be truly said, *melius atque rectius olim provisum, & quæ convertuntur, in deterius mutantur?*

The Reformers of this Kirk, and such as by a long continuance followed them, laid a sure foundation, and builded upon the same without error, notwithstanding of difficult times; it were our Wisdome to go forward, and not backward; to strengthen, and not to weaken. *David left not the Ark where Saul left it, nor Salomon where David left it.* If our Fathers were in the way, our change is error, and we out of the way. And shall we say now, that our sound and ancient Profession is *priscus rigor, cui jam pares non sunt homines.* *Constantin's course was more commendable, Perfecit Constantinus quod Philippus jam ceperat.* It were our Dutie, if our Forbearers had done wrong, to practise the rule, *quæ illicita a prædecessoribus inveniuntur admittenda, in melius revocare oportet.*

Observation of Dayes, Kneeling &c. as they are straitly enjoined, are void of the necessary properties, required by the Wisest Fathers in a lawful Ceremonie, *ut fidei congruat, salutis proficiat, discipline conducat.* So in this Kirk neither are they Necessary, Expedient nor Fitting the frame of our Reformation. They edifie not, they divide and destroy. In so far as Ceremonies be *testes Religionis*, they are signes to the Adversaries of the Truth, that we repent our Reformation, which is not; and presage, that we will return to their damned Corruptions, which by the grace of God we mean not, either in substance, or ceremonie. To re-induce them, say the Divines of *Germanie*, is to disturb the peace of the Kirk, and to grieve the Godly, to wound the Weak; to countenance Popery by shew of inclination towards it. or commoderation with it. In our neighbour Kirk, where they most prevail, their removal is most earnestly sought.

In *Perth* Assembly they are concluded, not as Lawes binding either to fault or pain; but as Admonitions or Institutions. *Magnum est discrimen inter Ecclesiastica Decreta & Politica: Quoniam necesse est illa minus obstringere conscientias: Nam in Ecclesiasticis spectanda est iustitia. In politicis autem parendum est, quamvis tu eam iustitiam non videas.* Such Ceremonies are *Juris privati, non publici.* Every man is bound in Conscience by the Word to discern what is indifferent, and then to direct himself in the right use of every individual thing for his own edification. If Ministers and Professors be restrained from that search, and brought under a compelled Obedience by the Law; that were to revive the ancient servitude of the *German Adia phorism*, wherewith the Godly would never suffer themselves to be intangled. *Nulla lex sibi soli conscientiam iustitiæ suæ debet, sed iis a quibus obsequium expectat.*

Our forbearers, finding the controverted Ceremonies to be the moulse-webs of Popery, and like the modiwarts in *Thessalie*, that overthrew a whole Town: *quod in passu dolendum, in reformatione auferendum putarunt.* They not only took away *Baal*, but also the Calves at *Dan*

and

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and *Bethel*. They thought it no wayes meet to follow *Pilats* Policie, to please the *Jewes* with scourging of *Christ*, that they might keep him alive. And will the *Papists* be pleased with scourging the Doctrines by Invections &c. and taking again some of these Ceremonies? Will that preserve us against their heat, breathed out against us as Hereticks, and make us lurk under mitigation; as if we were now but Schismatics? *Non est ad hunc modum in Religione agendum; (saith one) tota enim repurganda est, & ad vivum emendanda.* And another saith, *Atqui præstaret sepultam esse Doctrinam ad tempus, quam sic flagellari.* It is to be feared, that before it be long, men, disaffected to the ancient order, shall presume to give out other Doctrine, as well as new Ceremonies.

7.

Ratification would compasse a great many Ministers and Professors of this Kirk betwixt two dangerous straits: either to practise against the truth, as they understand it, and have walked in it; and against the personal bonds, whereby they have obliged themselves to stand constantly to the obedience of it: Or else to fall under the breach of a Civil Law, more hardly perhaps to be pursued, than the Lawes against Heresie, Blasphemie, Breaking of the Sabbath-day &c. In such a case, as we are alwayes readie in our goods and bodies, to the increasing and upholding of his *Maj.* Honour & Estate, so according to our Possibilitie, & the occurrent necessitie of his *Hightness* affairs, we cheerfully offer our best supplies, and help. And for ease of our just grievances, & fears of our Christian libertie to be endangered by constraint of Ceremonies, we humbly beg to have returned the Ratification of our ancient liberties of our Religion. Ceremonies should be perswaded by Reason, & not enforced by compulsion. *Propter externos Discipline ritus, Homines pios ferire, neque Domini est voluntas, neque purioris Ecclesie mos.* In the name of the Lord *Jesus*, we will require of your Honors, that at this time ye vvalk in the matters of the Kirk, as one day ye shall be judged dutiful according to the Scriptures following, *Beware of men, beware of evil workers. Let no man beguile you with intising words. Stand fast in the faith. Quite you like men. Stand fast in the libertie, wherewith Christ hath made you free, and be not intangled again with the yoke of bondage. Hold fast the form of sound words That good thing, which is committed to thee, keep. Contend earnestly for the Faith, which was once given to the Saints. Seing ye know these things before, beware lest ye fall from your steadfastness. Strengthen the things which remain, that are readie to die. Remember how thou hast received, and heard. Hold fast, and repent. If thou watch not, I will come suddenly upon thee, like a thief in the night, and thou shalt not know what hour. They have no courage for the Truth upon earth.*

Other Reasons, wherefore the five Articles ought not to be ratified in the present Parliament.

First, Because the Assembly of *Perth* was not lawfully Constituted, wanting a fundamental Priviledge of a Lawful Assembly, in respect that, contrair the Act of the General Assembly holden *Anno 1600.* and *Anno 1568.* Bishops, Barons and Burgeses voted, not being authorized with Commission from Synods, Presbyteries, nor Sessions of Kirks. His *Maj.* Letter, direct to particular Barons and Burgeses without Commis-

sion,

sion from their Incorporations, could not give them Vote in Parliament, much lesse in the General Assembly.

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Secondly, putting the case that these Articles were indifferent, yet the Assembly hath erred, in respect, it hath concluded contrair to the Apostolick rule in things indifferent, which is, that the practiser should not only not compel him that for Conscience refuseth to practise, but also, lest he offend him, should forbear to practise himself, *propter conscientiam, non tuam, sed ipsius dico.* 1 Cor. 10: Vers. 29. *If thy Brother be grieved for thy meat, now uvalkest thou not charitably: destroy him not for thy meat, for whom Christ died Rom. 14: 15.*

Thirdly, because the foresaid Articles, being determined in *alteram partem per circumstantias impeditivas*, in themselves are unlawful. The observation of them drawing with it a revolt, and returning back again to Popish Rites and Ceremonies, is a violation of our Profession, Subscriptions and Oaths, whereby we renounced them; a confirming of Papists in their errors, and putting them in hope of our coming to them in more Substantial points; a grieving of the Hearts of all zealously affected; a Preparative in the Hearts of the Commonaltie (who measure Religion more by the external mask of Ceremonies, than by substantial points of Doctrine) to the receiving again of whole Popery; a terrible renting of this Kirk, inducing Atheism in place of Religion, the people not knowing what to beleeve: And seeing the Observation of Yule obruded, which before, being discharged by Act of Parliament, in all the Pulpits of Scotland, was sufficiently declared to have been the Invention and Tradition of man, to be Will Worship and Superstition, Intertaining the people in an-error anent the birth of Christ, and leading them to all sort of Excesse and Profanation: And Genuclation the first of the fifteen Ceremonies of the Masse, *teste Bellarmino*, a gesture invenred, and ordained only by Antichrist, more then a Thousand three Hundreth Years after Christ, as the principal external-Worship of their breadden God, now enforced in the celebration of the Lords supper, under pretence of Indifferencie, more Reverence, and Humilitie, as though we were not forbidden *praecepto negativo* to presume to give, or receive the Communion more reverently, then Christ and his Disciples did; or that we were not commanded *praecepto affirmativo* to Imitat Christ, in all his Religious actions, neither miraculous, nor admirable, nor having a particular reason restricting to that time, as though we were not warranted *praecepto comparativo* rather to Imitat Christ, with a table-gesture in that holy Banquet, than Antichrist with a gesture of Adoration, inductive to Idolatrie; or as though a man were able to give a reason, why the Surplice, the Crosse, and the Elevation of the bread, may nor as well be received (being of greater antiquities) and if the Minister, having a surplice, with crossing, elevat the bread, and the people bow their knee, what want we of a Masse? *ubi semel deerratum est, in praeceptum devenitur.*

Fourthly, because if the High Commission be emboldened by Ratification of his Parliament, to deprive Ministers that will stand out against these Ceremonies, being the greatest number of the best qualified, most painful and fruitful of any in their calling, within the Land, what a lamentable desolation shall it draw upon this Church? What a wound shall

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it be to every Godly heart, to see the faithful Pastors Deprived, Ward-
ed, and Banished, for giving the Communion as *Christ* gave it, and re-
fusing to give it after the form of *Antichrist*? Is this a time to obtrude
Antichristian Ceremonies upon the Kirk, when the bloodie sword of An-
tichrist is embrewed in the bloud of so many thousand Protestants, in
France and *Germanie*?

Lastly, Because it was never seen that this Parliament confirmed the Acts
of any Assembly, which they knew was called in question, not only
by a great number of the special of the Ministry, but also by the greatest
part of the most zealous Professors of the whole bodie of the Kingdome;
as is manifest by the practice of *Edinburgh*, seeking the Lords Supper, in
thousands, without the Citie.

*An admonition to the well affected Nobilitie, Barons and Bur-
gesses, Commissioners in this present Parliament.*

Do not your honours now at last preceive, how mightily the myste-
ry of iniquitie, the Spirit of *Antichrist*, the power of darkness and
delusion, prevail among us in the judgement of God, presuppose not in
the intention of Man, which we presume not to search, but leave to
the Lord the searcher of hearts. If Papists go free, who use to be fined;
if Professors be counted *Puritans*, and Religion disgraced; if Patrons
of Popery be set at libertie, and the faithful committed; if Semi-
narie Priests go abroad, and true Pastors be confined and impris-
oned; if Sea ports be patent to forreign Papists, and banished Mi-
nisters lye unrecalled; if sundrie Statesmen be small friends to true Pro-
fession, and not Unfriends to Papistrie; if time-servers, and men-plea-
sers usurp Commission from *Christ's* Kirk, being her greatest Enemies;
if Papistrie increase, and Professors grow cold; if it be discharged that
search be made for Masse-Priests, or that these foxes, being discove-
red, should be apprehended, as your Honours may try, whose Intelli-
gence is better, is there not the sound of Popery at the dores, where-
unto the Lord hath long threatened to cast us? The Discipline of *Christ's*
Kirk is already well near destroyed, and turned Antichristian, by the
Usurpation and Tyrannie of our Prelats. The worship of God is next, &
now among your hands, which if ye suffer to be polluted by the Romish
leaven of thir untallowed Rits, as sundrie of the Ministry unwisely have
done, we may justly fear the corruption of Doctrine: and so all is
gone.

Consider then that the touch-stone to try your love to the truth, is
at this time, the Act concerning these cursed Ceremonies, counted in-
different by many, but in effect pernicious; the bringing back again
whereof, by the confession of all, even of the urgers, is at least Unnecessary
and Untimous; and so in Religion Abominable and Impious. But if we will
say the truth, it is first a returning with the dog to the vomite. 2. Scan-
dalous to Papists and Professors. 3. Contrarie to the Word, as is large-
ly proven by sundrie, and so Presumptuous. 4. In regard of the
present use, wheresoever they are received, proving Superstitious. 5. By
reason of the Oath of God, which hereby is despised, Blasphemous. 6. In
regard of the Consequences, Damnable and Devilish, & for the manner of
their establishing by violence and craftines, to all that have eyes, Odious.
Which as your honours in Gods mercie have marked, so have you done

well.

well, that being privily tried ye have not dissembled your dislike, both of the cause, and the crooked convoy of it: For well might ye know, when supplicants were sent to prison, and truth was misconstrued, and counted treason; when Ministers were discharged off the Town, for fear of requesting your *honours* to stand for the Lord, little good was to be looked for, after so godless a beginning. It rests now, that ye be constant and settled in the love of the truth. By Threatings, by Allurements, by Hopes, by Fears touching your selves and your faithfull Pastors, and other endless wayes of darkness, they studied to draw away, and divert you, either to make you vote against *Christ*, or to be neutrals and *non-liquets*, or to slide away and deny your presence, by one mean or other, to draw you under the curse of *Meroz*, for not helping the Lord against the mightie. But the busier they are, the lesse Freedom in this Parliament, the lesse worth in their cause, the greater is your triall, who stand to give Testimonie to *Christ*, your faith the more precious, and your reward the more glorious. For God hath said, *he that overcometh, shall inherite all things, and I will be his God, and he shall be my sonne: But the fearfull* (that is, such who for fear of man dare not give Testimonie to the truth of God) *and unbelieving &c. shall have their part in the Lake, which burneth with fire and brimstone; which is the second death. Revel. 21. 8.*

Another Admonition.

Please your *honours*, take heed what you do at this Peremptour time, concerning the establishing of the unlawfull Act of the pretended Assembly of *Perth*. Christ has put his cause in your hands. Be faithful now or never. Bewar of bringing back, and casting-in again of this stumbling block. The glorie of God, the standing of the Kirk in this Land, your own Soules, and the Soules of many thousands, for whom *Christ Jesus* died, are now in hazard, and depend much (if ye look to outward means) upon your fidelitie, whereof ye shall not want witnesses, neither in heaven, nor in earth. The eyes of Men and Angels are upon you, the eyes of those, that mourne for the miseries of Gods Kirk are longing for comfort from you; and the great judge of the world, our God Almighty, whose eyes are as a flaming fire, to behold every mans part in this present Parliament. Your Votes, your Acts, your Names shall be registred to all Posteritie. Ponder therefore the weight of the cause, wherewith ye meddle, and the fearful inconveniences which do accompany, and shall follow the Ratification of the Act of that pretended Assembly, that will befall the Kingdom of Christ, his Ministry, the best part of sincere Professors, your Friends and Familiars, your Children and Posteritie; and it may by also your own Persons, both spiritually, and civilly. For if, according to your place, in prudent and humble manner, ye do not resist the establishing of that Act, by all lawfull means, ye cannot cleanse your selves of despising the Oath and Covenant of God, solemnly sworn and subscribed by all Estates, and of drawing down the undoubted curse of God, which hasteneth now to come upon us. Ye cannot be guiltless of enraging and emboldening the Papists to higher attempts, than we are aware of; yea and of grieving the hearts of the Kings best Subjects, of brangling their faith, and casting them in perplexitie, how to serve both God and

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their native King. Ye cannot be guiltless of the thrusting out of faithfull Ministers, and bringing-in of young boyes, hirelings, and time-servers, to the overthrow of the gospell, and slaughter of soules. Ye cannot misse to draw the whole Land in a snare, and in speciall the weaker Christians, who by the force of Civil law must either suffer their goods to become a prey to worse Subjects then themselves; or at least their means and estates to be so pilled, and impaired by fines and penalties, as in short time they shall neither be able to serve their King, their Country, nor their own necessities: Or else to controll and enthrall their Consciences, to the destruction of their Soules. Now is the time, wisely to prevent these things; which if ye do, timeshall approve you, God and good men shall acknowledge you in this point better Christians, better Statesmen, better servants to God, more loyall and wise Subjects to the King, better friends to the Kirk and Commonwealth, than they who, upon what soever pretences, shall either urge, or yeeld to the contrarie. Resist therefore the establishing of Ceremonies, a re-entrie of Papistrie. Our neighbour Countrey groans under the yoke, which now is presented again to our necks, and would redeem the libertie, which you have had, and now in some measure enjoy. It cost your Predecessors many a tear with God, and their uttermost endeavours with men, to purchase and transmit this libertie unto you; and Christ hath bought it with his blood for you. Count not so lightly of it, as to lose it for moment: But stand fast in that libertie, wherewith Christ hath made you free, and be not intangled again with the yoke of bondage. Good Subjects have no just cause to fear the offence of a good King, in maintaining Gods right and their own, so long as their cause is honest, and their defence lawfull, stand therefore for the truth, and confesse Christ before men, as ye would that he should confesse you before his Father.

The protestation agreed upon, in case the informations and admonitions above written had not wrought the effect intended.

We the Ministers of *Jesus Christ* in his *Hightness* Kingdom of *Scotland*, being conveened from all the quarters of the Countrey, to concur for the well of the Kirk, and according to the ancient custome thereof observed in Parliaments, to consult upon the weightie affairs of the Kirk, as the present case required timous consideration; and being charged at the market crosse of *Edinburgh* to remove out of the said Burgh within twentie four hours immediatly following the said charge; as also justly fearing harder sequels to follow upon such beginnings, have concluded the last remedie of Protestation, whereof the tenor followeth.

May it please your *honours* in this present Parliament, assembled under the right High & Excellent *Maj.* of our dear and dread *Soveraigne*, we have now before our eyes the foreseen and foretold bitter Fruits of these Alterations of the Kirk, and just fear of farther evils to ensue upon such dangerous beginnings, so much the more as we are deprived of that ordinary aid of the Generall assembly, whereunto properly belongeth to be proponed at Parliament the affairs of the Kirk. And although for supplement of that pitifull defect, in humble manner we did offer our reasonable Supplication, conform to his *Hightness* Proclamation, we can

have

have no place to be heard in our lawfull and Religious desires. In this hard and heavie case, the sensible danger of our untimous silence, in the dayes of growth of sin, decay of grace, contempt of the Gospell, and troubles abroad, moved for the most part by the Patrons of that bloudie Council of *Trent*; and the conscience of our inevitable compearance before the judgement Seat of Christ, to give an account of our stewardship, compelleth us as from high extremitie, to declare to your honours our bounden and heartie affection, to hold fast that ancient faith, and form of Religion, received, believed, and defended by the Kirk of *Scotland*, the Kings *Maj.* and the Estates, the whole bodie of this Realm; your Forbearers of worthie memorie, and your Selves, as Gods eternall truth, and only ground of our Salvation, and of our happie Peace and Prosperitie, by Gods undeserved mercie so long continued. As also our unfained detestation of all Forms and Ceremonies, many or few, that Enemies of the truth may cast in our teeth, as signes of our repentance of our Reformation, or of any part thereof; and presages to them of our returning to their damned Superstition, either in Substance, or Ceremonie thereof. And likewise in the name of *Jesus Christ*, who shall render to every one according to that he hath done in the flesh, to require your honours to stand steadfastly for the said ancient Religion, form of Doctrine, Sacraments and Discipline, as they have been ministered in this Kirk, ever since the Reformation of Religion; for the Jurisdiction and Libertie of the true Kirk, Generall and Provincial Assemblies, Presbyteries and Sessions, as they are established by the Lawes, and Kirk of this Kingdom; and against all Usurpation and Corruption of spirituall Government, and unnecessarie Ceremonies, as the five Articles of *Perth* Assembly, and whatsoever is as apples of strife, and deadly destroyers of the Kirk of *Jesus Christ*.

Otherwayes if it shall happen (as God forbid) that any matter be proponed, put in Article, or concluded in this present Parliament, in prejudice of the said Religion, and Acts of Parliament past in favours of the same, with sorrow, and sore against our heart, we will be constrained to use the remedie of a Protestation. Like as adhering to the Protestation made to the Parliament holden at *Perth*, in the Year of God 1606. and to the Protestation used in the last Parliament holden at *Edinburgh* 1617. and to all other Protestations whatsoever, made in favours of this Kirk, and against all hurts and injuries intended against the same. By these presents we solemnly protest against all and whatsoever Articles, Acts and others whatsoever shall be Proponed, Concluded and Published in, or from this present Parliament, in prejudice of the jurisdiction and Libertie of the Kirk, Assemblies thereof, Order established, or any part thereof; or in favours of the usurped Government, and damned Hierarchie, of Ceremonies and Alterations whatsoever, concerning the ministration of the Sacraments, or any other point or practice of Discipline, received in this Kingdome. And for due execution thereof, will, and request our wel-beloved Brother *Mr David Barclay*, to subscribe, and present the same as effeirs, in open face of Parliament, to the Lords of Articles being convened; and if need be, to affix the same upon the Parliament House door, or market Crosse of *Edinburgh*, to the effect that our reasonable disassent from all, and whatsoever may in any sort prejudice the form of Religion, established

1621. in this Kingdom, may be notoriously known. At *Edinburgh* the 25. of *July* 1621.

Mr DAVID BARCLAY, Minister of the Evangel, in Name of the Brethren of the Ministry, professing the Religion, as it hath been received and practised, since the first Reformation of the same, in this Kingdom

The Informations and Admonitions above written, made such Impression upon the hearts of many, that few would have consented to the Ratification of the five Articles, if they had not been wrought upon by the Marquess of *Hammiltoun*, the Secretar and others that were set on work by them.

Upon Wednesday the 25. of *July*, when the Estates were ryding up the street to the Parliament House, a Papist, directing his speech to the B. of *Santandrews*, cried aloud, God blesse you, my Lord, with all your Brethren, and favourers of your course: for you and they are furthering the way, to content his *Maj.* and us, that are Catholicks; which God prosper. None do resist, but a number of evill disposed Ministers. His words were not heard by many, by reason of the noise of the people. He and another burst forth likewise in these speeches. When I come to *Rome* or *Avinion*, to report, how I have heard the Ministers of *Scotland* discharged out of *Edinburgh* by open Proclamation at the market crosse, in time of Parliament, the news will be so joyful, that scarcely will they be beleaved by the Catholicks. *George Foulis*, one of the Commissioners for *Edinburgh*, fell from his horse in the street, and the horse above him, and he was carried home, and lay a long time after in his bed, being sore bruised with the fall. But a worse nor himself was chosen Commissioner for him viz. *Andrew Scot* the Chirurgeon. *Alexander Clerk* was the other Commissioner, both conform. The Commission was carried before the grand Commissioner in a velvet pocket, by the Secretars eldest sonne. It was recommended to the care of the double guard, within & without, that no Minister, wanting the Bishops licence, be suffered to enter in the Parliament House. After the members of Parliament were placed in their own ranks, a second search was made, that such Ministers might be removed, in case any had been suffered to enter. The Bishop of *Santandrews*, after a very short prayer, read a Passage of Scripture *Rom* 13: 7. And had a harangue to perswade the States to grant the Taxation. The Grand Commissioner, the Marquess of *Hamiltoun*, followed with his harangue. He laid open the Kings great and extraordinary affairs, his continual Debursements for supplying the King of *Boheme*, the *Queen*, and their Mother, and continually sending of Ambassadors to *France*, *Germanie* and *Spaine*, to travel for peace among Christian Princes, his extraordinary Aids given to the Princes of *Germanie*, to retain them within the band of Friendship and Alliance; the charges of maintaining a Sea navie, under the Conduct of *Sir Robert Mansfield*. He added, that his *Maj.* sustained and suffered more for the persecutions and afflictions of the Protestants, and defence of the reformed Kirk, then did all the Princes of the world besides. Among other insinuations, which he used for a large supplie, he alledged, he had a warrant to give way to a good advice, whereby money might abound in the Countrey, after the Taxation. He spake of the

five Articles, under the name of matters of Kirk-Discipline, which had been concluded in former Assemblies, and practised in the Primitive Kirk, and were not forbidden by the Word of God: And consequently might be defined by the Prince, who hath lawful power to command things indifferent. Doubting nothing of their good affection, and concurrence to his *Maj.* reasonable desires, and assuring them, that he would let his *Maj.* know every mans part: he promised in the Kings Name, that if they would consent to the five Articles, they should never be urged with more Ceremonies. Chancellour *Setoun* followed in the third place. After he had discoursed upon the honour of the Auditorie, the qualitie of the Royal Throne, where the Commissioner sat, and had given the States every one their own due, he repeated some things, touched by the Grand-Commissioner and the Bishop of *Saint Andrews*, concerning the necessitie imposed of a liberal Taxation, and expediency to give way to the Ordinances of the Kirk. He alledged for his purpose, that *Numa* was both King and Priest. In end he exhorted them to go cheerfully to the election of the Lords of the Articles.

The Grand-Commissioner, the Noblemen and the Prelats, the Chancellour, the Treasurer, the Secratar, and Clerk of Register, went in to the inner house, to choose the Lords of the Articles. The choise was not made of persons most indifferent, of best judgement, and no wayes partially affected to any partie, as becometh free Parliaments & Councils. The Bishops choosed eight of the Nobilitie, *Angus, Mortoun, Nithsdail, Wigtoun, Roxburg, Balclough, Scoone, Carnegie.* These choosed eight Bishops, *St Andrews, Glasgow, Dunbladen, Aberdeen, Brechen, Dumblane, Argile and Orkney.* These together choosed eight Barons and eight Burgeses: Barons, the Constable of *Dundie, Sir John Hammiltoun of Lettrick, the Laird of Inchmartine, Leesburnet, Sir Robert Stevvart, the Laird of Hattoun, the Laird of Lagg, the Laird of Prestoun.* Burgeses, for *Edinburgh, Alexander Clerk, Andreu Scot; for Perth, Andreu Gray; for Dundie, Mr Alexander Wedderburne; for Aberdeen, Mr David Rutherford; for Culroß, Mr George Bruce; for Glasgow, Mr James Ingless; for Saint Andrews, Henrie Arthure, for Sterline, Duncan Paterson.* The Officers of Estate, the Chancellour, the Treasurer, the Secratar, Privie-seal, Justice-Clerk, the Kings Advocat, and the Clerk of Register *Sir George Hay*, now Chancellour; men readie to serve the Kings humor, for the benefit they had by their Offices, & hopes of greater preferments, sat and Voted with them, howbeit not chosen.

The Lords of the Articles should have begun at the affairs of the Kirk, according to the custome: But they treated first of the Taxation, hoping to induce such, as were not affected to the Ceremonies, to a large Subsidie, upon hope to be freed of the five Articles: The Grand Commissioner had a harangue, as before, to that purpose: Three dayes were spent in reasoning, voting, presenting petitions, receiving answers, and settling down conditions in favour of men fearing their own hurt. But the five Articles were quickly put over, without regard had to the discontentment of the Subjects, the present rent in this Kirk, the sufferings of Ministers, and the like inconveniences, which were like to increase by ratifying an Act, or rather a simple advice of a null Assembly, by a Law. All, that sat upon the Articles, consented to the five Articles, except the Laird of *Prestoun*, Commissioner for east *Lothain*, the Laird

of Hat-

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Hattoun Commissioner for west *Lothian*, the Laird of *Leesburn* Commissioner for the *Mernes*, and *Ducan Paterson* Provest and Burgefs of *Stirling*. It was thought that the Earle of *Mortoun* presented himself purposely. Howbeit the matter was carried away by Pluralitie of Votes, *Patrike Forbes*, Bishop of *Aberdeen*, was content that there was a contrarie Vote: And therefore brake forth in these words. My Lord, there are some, that must ever be Singular. He had said before in his harangue, that the Kirk of *Scotland* was in better case without these Ceremonies, than with them: Yet seeing his *Maj.* will have them brought in, I Protest upon my Salvation and Condemnation, there is no danger in using them. They are indifferent in themselves; and therefore whosoever refuseth to give his *Maj.* Obedience in using them, are contentious, and trouble of the Peace and Unitie of the Kirk: and therefore worthie to be punished. He Protested likewise, that they were not to be urged with any more Ceremonies, as the *Marquess* had promised before. It was resolved by a Nobleman, that he was too liberal in his promises, without assurance of Performance: for his *Maj.* would not bind himself after that sort. The Cabinet Council met daily in the Abbey, by six in the morning, and sat until nine, to dresse matters, that were to be treated among the Lords of the Articles.

Notwithstanding there was good appearance, that the Articles should passe in Parliament, being agreed unto by the Lords of the Articles: Yet the Kings chief Agents thought good to hold the Parliament sitting, and the Lords of the Articles busied with something for the fashion, that they might have leasure to deal with the members of Parliament, and to procure their consent to the five Articles. The chief Ring-leaders, viz, the *Marquess* of *Hammiltoun*, the Secreter and the Bishops employed some treacherous Intelligencers, to try such as were yet unknown to them. These insinuated themselves in meetings of Noblemen, Commissioners of Shires & Burrowes, & other Occasional meetings, more rare or more frequent, as occasion was offered. They counterfeited a dislike of *Perth* Articles, where they found any to dislike them. So they tried mens Inclinations & Intentions. They would seem to approve the things they heard, lest they should be suspected: & when they thought they were not suspected, they would craftily dissuade men from good motions & resolutions, with shew of agreement in the general end. At night they returned to their Directors, and informed them what was every mans Disposition, that the Ringleaders might know with whom to deal, or cause deal. Whereupon the Noblemen, Commissioners of Shires and Burrowes, were requested in an Imperious manner to forbear their meetings, or rather were restrained from the necessarie use of the ancient liberties, granted to the severall Estates, to convene by themselves in time of Parliament, for advising, reasoning, & preparing themselves the more deliberately to vote in publick. It was promised, that they should have inspection of whatsoever past among the Lords of the Articles, for their better Information, at least 24. hours before the publick meeting: and they were enjoyned not to meet without the Grand Commissioners special consent. The Lords of the Articles were treating in the mean time upon sumptuous Banqueting, silk paments, and other matters of small importance; or went to hunting, halking, or fouling, some of them, when their mindes were set upon nothing lesse than game or pastimes. The

Grand

Grand Commissioner, the Secretar, the Eleven Bishops (*Murray* and *Iles* were absent) laboured with the Commissioners, Voters in Parliament. None so busie as the Secretar both night and day; Some were allured with fair promises to promise consent: Others were so terrified, that, howbeit other wayes well affected, they left the Town: Some, to eschew importunat requests, departed likewise off the Town. *Sir John Hammiltoun* Laird of *Prestoun*, having voted against the five Articles, in presence of the Lords of the Articles, the Marques his chief, and Secretar *Hammiltoun* dealt with him to recal his Vote in publick. The more earnest they were, he was the more constant, Professing plainly, that howbeit he was readie to serve his *Maj.* and them with his Life, Lands, and all that he had; yet he would not offend God wittingly and willingly for the pleasure of man, and make to himself a hell in his own Conscience. The Bishop of *Dumblane* went to him after, and after him the Lord *Scoons*: But they prevailed not. Then the Secretar desired him to absent himself. He answered, I will not, I will stay and bear witness to the truth. I will render my life and all that I have, before I recall one word that I have said. But if ye will charge me with letters of horning, or with a Maecer, to Ward, or to depart, I will obey. Well Sir, said the Secretar, ye shall not bring me within that compasse, we shall make both you and your instructor (meaning *Mr John Ker* Minister at *Saltprestoun*) to repent it. Some who obstinarily refused, when they were chosen by their shires, to accept commission, and had taken instruments upon their refusal; yea had sworn neither to ride, nor Vote in Parliament at that time, were induced both to behave themselves as Commissioners, and to Vote for the Articles, namely the Laird of *Neuvilistoun*: He refused to accept a Commission; yet was he admitted Commissioner, and by his affirmative Vote frustrated the negative of the right Commissioner, that honorable Baron, the Laird of *Dundas*. In the meantime, the King lying near to *Tork* of purpose to receive timous advertisement, was informed how matters vvent.

The report vvas spread, that the Parliament vvas to sit longer than vvas looked for. But suddenly vwithout the knowvledge, and beside the expectation of many of the members of Parliament, Saturday the fourth of *August* was appointed to be the last riding day. Upon which day betwixt three and four in the morning, there was a pitiful cry heard, in the streets of *Edinburgh*, people crying, fy for help, fire, fire. Many were raised out of their beds with the sound of the common bell, and came forth in armes bare footed to the streete, thinking verily that the people had made some insurrection. Those that were in highest places, and had their hands deepest in the present course, were in greatest perplexitie, till they understood the people had no other intention, but to quench a fire, whereby a tenement of Land, at the new well in the Cowgate, was burnt without recovery. This accident was taken for a fore-warning to the Estates, to take heed what they did. Many of the people, being conveyed in the outward court of the Palace of *Halyrudhouse*, observed that when the Lords were mounted on their horses, a swan did flee over their heads from the north towards the south, flapping with her wings, & muttering her natural song. The people shaking their heads, whispered among themselves, that they feared a bad conclusion

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of that Parliament. The Laird of *Prestoun*, of whom we have made mention before, being set upon horseback, Secretar *Hammitoun* sent his Brother *Mr John Hammitoun*, accompanied with a number of servants, to command him to light, and to let him have his own foot-mantle again, which he had borrowed from him before the Parliament, as he alledged. They came to him, and craved the foot-mantle importunately. He Answered, this is not my Lords foot-mantle: Ye see this is of velvet, his is of cloth. They were sent again, and urged him to swear that it was not my Lords foot-mantle. He bad them go tell the Secretar, he would not swear for his pleasure; he shall be as true in his word, as any *Hammitoun* in *Scotland*. So the Secretarie, fully bent to disgrace him, because he could not move him to recal his Vote, was disappointed. The half of the Town of *Edinburgh* was not gathered to attend upon the Lords and other Estates, when they came riding up the street.

When they were in the Parliament House, the Noblemen, according to the custome, went in to the inner House, and came forth to the outter House by degrees, to their place. But the Earles of *Mortoun*, *Buchan*, and the *Vicount of Lauderdaile*, staid in the inner House, till the Kirks part was Aſſed, and Gods Worship through her sides had received a deadly wound; and then came forth to their own places, to play their parts in civil matters. *Mortoun* and the *Vicount* staid more for the pleasure of the Marques, nor for fear to displease the King. The Earle of *Buchan* was restrained by his Father, the Earle of *Marr*, and in signe of restraint burst forth in tears, as is reported. There was a controversie betwixt two Lords, both lovers of the truth. It was thought they would rather lose their Votes, than quite their claim. Yet for the love they had to the truth, they packed-up their controversie, for that time. The entrie of the Parliament House was straitly kept, lest any Minister should enter, without the Bishops Pasport. *Andrew Hay*, the Bishop of *Saintandrews*'s domestick, was set over the inner barre, to debarre all Ministers, that were suspected readie to present a Protestation. *Mr David Barclay*, Minister of *Saintandrews*, was the man that was appointed by the Ministers to give-in the Protestation. He got entrie, but with great difficultie, as far as to the uttermost barre, where he staid almost half an hour, waiting upon occasion to enter farther: But in end was removed from the barre, and put forth. He, being debarred of access, fixed a copie of the Protestation above written, upon the door of the Tolbooth or Parliament House, and another upon the Crosse.

After that all the members in Parliament-House, were set in their own places, the Grand Commissioner, the Marques of *Hammitoun*, exhorted them to yeeld to the five Articles, concluded at *Perth Assembly*; made Apologie for the Kings sinceritie in Religion, attesting there was nothing under the heaven could be so acceptable to his *Maj.* as that the Kirk of *Scotland* would receive the five Articles, and said, he would ingage his Honour, Faith and Credit, upon that Princely word, which his *Maj.* past to him, that if they would receive these five Articles at that time, his *Hightness* would never burden them with any more Ceremonies, during his life time. The Chancellour following commended the Kings care of Religion and the Kirk, proved slightly the Articles to be

lawfull,

lawfull ; and alledged much reasoning was not requisit , seing they were already concluded by learned Bishops, Fathers, Doctors and Pastors, convened at *Perth* for that effect. In effect he was mocking. The Grand Commissioner did again affirm, that his *Maj.* willed him to signify to them, that these Articles being once concluded, he would urge no other Rite or Ceremonie; and therefore willed them to shew their loyalty by according to these, and requested them to take heed how they voted. No place was left for reasoning: The promise made to the Nobilitie to have inspection of the Conclusions of the Lords of the Articles 24. hours at least before the publick voting, was timously remembred by one, to the end they might give their Vote with advisement, and not suddenly, as so many Ciphers, as they were like to be made by that form of sudden proceeding. But this motion, and all farther Deliberation, was with bitterness repelled. Although the five Articles were different in themselves, and the most part had sundrie opinions concerning them; yet were they huddled up all in one bundle, that the weightiest might seem to be of no greater weight, than the rest which were least resisted; and so were read to the voters. The like course was put in practice at *Perth* Assembly; the like also was used in another case at the same Parliament: For all were most willing to give the ordinar Taxation; but sundrie thought hard of the Extraordinar: yet both were proponed together. The Voters were discharged here, as at *Perth*, to give any reason for the Votes, that so the conclusion might passe by number, and not by weight of voices. They were directed to expresse their voices by these words, *Agree, Disagree*. It came to passe, that the wide opening of the mouth at the syllabe *A*, did eat up this first syllabe *dis*, specially by those who spake with a low voice, being threatened and menaced with the menacing eyes and lookes of the Secretar; and so the negative was noted for affirmative, *Agree* for *Disagree*. In calling the roll, and marking the Votes, the distinction of the three severall Estates was not observed; but the names were promiscuously called, that the conclusion might be made up by Pluralitie of Personal voters, without respect had to their Corporations: The Duke of *Lennox* was called on first, and the Earle of *Marr*, as his proxie, voted for him Affirmatively. Next followed the Eleven Bishops, who likewise all Assented. After followed the Noblemen. The Earle of *Melrofs* Secretar voted for two English men, who had never been in *Scotland*, but within this half Year. The one had been Vicount of the other Vicount of *Falkland*, at the Convention holden in November 1620. *Carnegie* voted for my Lord *Cranstoun*, and my Lord *Ramsay*, affirmative; but contrair to their minde. This kinde of voting by proxies, was uncouth among us. In the last Parliament, the King procured an Act to be made, for dispensing with the penaltie of Noblemen, that cannot be alwayes present at the Parliament; and that it might be leesome to the absents, to send their voices with some of their equals in honour. When the Chancellour desired some, that for fear uttered not their voice distinctly, to speak out freely, the Secretar said, nay, my Lord, let them alone, those that will not speak out, let the Clerk mark them as Consenters: and so were some of them marked indeed. How the votes were gathered, the Clerks will be answerable to God one day, and some of them have already made their answer to the great judge.

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But if they had wanted their proxies, and the votes of the Officers of State, the affirmative voters had been inferiour in number.

We vwill here subjoine the names of the Disassenters, and Assenters, to the honorable Remembrance of the one sort, and Ignominie of the other.

All the eleven Bishops, that is, all the Bishops that vvere present, voted affirmative. Noblemen; the Duke of Lennox by the Earle of Marr his proxie, the Chancellour, Angus, Errol by Marr his proxie, Marshall by Marr his proxie, Marr, Kello by the Chancellour his proxie, Wigtoun, Kinghorne, Roxburgh, Abercorne, Balkeleugh, Melros, Lothian, Perth, Nithsdail, Wintoun, Tyllibardine, Boyd, Spynie, Ogilvie, Scoone, Carnegie, Garleis, Halyrudhouse, Sanguhar, Kinloß by Sanguhar his Proxie, Kinclevin, Cranstoun, Ramsay by Carnegie their proxie, Dingwall by his proxie, Clerk of Register, Privie Seal, Justice-Clerk, Advocate, Commissioners for sheriſdomes; for Bamf, the lard of Carnowfel; for Aberdeen, Br.

for Forfar, the Lairds of Powrie-ſothbringham and the Constable of Dundie; for Perth, Lairds of Duncrube and Inchmartine; for Lanerck, Frieſe, Hemsfield and Lagg; for Linlithgow, Newlistoun; for Edinburgh, Lugtoun; for Roxburgh, Laird Riddel and the Sheriff; for Peebles, Traquair and Sir Robert Stewart. Commissioners for Burrowes; for Edinburgh, Alexander Clerk; for Perth, Adam Gray; for Dundie, Mr. Alexander Wedderburne; for Aberdeen, Mr. David Rutherford; for Glasgow, James Ingles; for Santandrews, Henrie Arthure; for Dumfries, John Corſer; for Brechin, David Lindsey; for Elgine, Mr. John Hay; for Wigtoun, John Turnour; for Peebles, James Williamson; for Thayne, Hector Douglas; for Selkirk, Willam Eliot; for Culroß, Sir George Bruce; for Bamf, Mr. Alexander Craig; for Rutherglen, John Pincartoun; for Lauder, Charles Murray; for Innerkething, William Bleckburne; for Sanguhar, Nicoll Cunninghame; for Annand, David Miller: all these voted affirmative.

These following, Rotheß, Menteith, Eglintoun, Linlithgow by Eglintoun his proxie, Kintail, Gray by Spynie his proxie, Roß, Yester, Cathcart, Couper, Burlie, Balmerinloch, Elphinstoun, Tarphichen, Forbes by Elphinstoun his proxie. Commissioners for Shires; for Innerneß, George Monro of Tarrel; for Kincardine, the Laird of Arbutnet and Lees; for Fife, the Laird of Newtoun and Balfour; for Stirling, the Lairds of Dunnipace and Keir; for Hadintoun, the Laird of Prestoun and Sir Robert Hepburne; for Ransfrew, Bishoptoun and Foulwood; for Dumbartoun, Ardoch and Luß; for Air, Carron and Blair; for Linlithgow, Dundas; for Edinburgh, Hattoun; for Berwick, Swintoun and Wedderburne. For the Burrowes; for Dysert, David Simpson; for Linlithgow, Andrew Bell, and John Glen; for Air, Hew Kennedy; for Hadintoun, Mr. James Cockburne; for Kirkaldie, Thomas Lambe; for Montrose, William Ramsay; for Couper, Robert Paterson; for Anstruther, Robert Mercer; for Innerneß, Mr. John Roß; for Irvine, Robert Broun; for Jedburgh, Mr. Robert Rutherford; for Kirkcudbright, David Arnot; for Pettenvem, Walter Airth; for Dumfermline, Mr. Thomas Wardlaw; for Dumbartoun, Thomas Falleusdail; for Lanerck, Garvin Blair; for Bruntland, William Meekle John; for Carrail, Adam Cuning-

bame,

home; for Kinghorne, James Boswald; for Anstruther Wester, Robert Richardson; for Dumbarton, George Rarves; for Northberwick, George Baillie; for Kibirnie, Norman Lindsay; for Stirling, Duncan Paterson. All dissatisfied.

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The Earles of Mortoun and Buchan, and the Vicount of Lauderdale, presented not themselves, till Kirk matters were past. Heries, Montrose, Glencairn, Oliphant, Colvine, Loudoun, Lovit, Borthwick, Blantyre, Commissioners for the shires of Crombertie, Nerne, Elgine, Montrose, Argile, Kyle Stewart, Carrick, Cunningham: for Burrowes, Whitherne, Forfar, Rothesay, Culloyn, Nerne, Lochmabane, Kintore and Innercrombertie, were either absent, or, if present, what were their votes, I am uncertain.

The five Articles were Ratified, as followeth.

Our Sovereigne Lord with advice and consent of the Estates of Parliament presently Convened, Ratifieth the Acts of the General Assembly of the Kirk, holden at Perth the 15. of August; the Year of God 1618. Years, and Concluded the 27. of the same moneth, sessione secunda; whereof the tenor followeth.

Seing we are Commanded by God himself, that when we come to worship him, we fall down, and kneel before the Lord our Maker, and considering withal, that there is no part of Divine Worship more Heavenly and Spiritual, then is the holy receiving of the blessed Body and blood of our Lord and Saviour Jesus Christ: like as the most humble and reverent gesture of the body, in our Meditation, and lifting up of our hearts, best becometh so Divine and Sacred an Action. Therefore notwithstanding that our Kirk hath used, since the Reformation of Religion, to celebrate the holy Communion to the people sitting, by reason of the great abuse of kneeling, used in the Idolatrous Worship of the Sacrament of Papists: Yet now seing all memorie of by past Superstition is past, in Reverence of God, and due regard of so Divine a Myserie, and in remembrance of so mysticall an Union, we are made partakers of, the Assembly thinketh good, that that blessed Sacrament be celebrated hereafter meekly, and reverently upon their knees.

Item, if any good Christian, visited with long sickness, and known to the Pastor, by reason of his present infirmitie, unable to resort to the Kirk for receiving of the holy Communion; or being sick shall declare to the Pastor upon his Conscience, that he thinks his sickness to be deadly, and shall earnestly desire to receive the same in his house, the Minister shall not deny to him so great a comfort, lawful warning being given to him the night before, and that there be three or four of good Religion and Conversation, free of lawfull impediments, present with the sick Person, to communicat with him; who must also provide a convenient place in his house, and all things necessarie for the Reverent administration thereof, according to the order Prescribed in the Kirk.

Item, the Minister shall often admonish the people, that they deferre not the Baptizing of infants, any longer then the next Lords Day after the Child be borne, unlesse upon a great and reasonable cause, declared to the Minister, and by him approved. As also they shall warne them, that without great cause, they procure not their Children to be Baptized

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at home in their houses. But when great need shall compel them to Baptize, in privat houses (in which case, the Minister shall not refuse to do it, upon knowledge of the great need, and being timely required there-to) the baptisme shall be ministred after the same form, as it should have been in the Congregation: and the Minister shall the next Lords day after any such privat Baptisme, declare in the Kirk, that the infant was so baptized; and therefore ought to be received as one of the true flock of Christs fold.

4.

Item, forasmuch as one of the most special means for slaying the increase of Popery, and settling of true Religion in the hearts of the people is, that a special care be taken of triall of young Children their education, and how they are Catechized; which in time of the Primitive Kirk was most carefully attended, as being most profitable to cause young Children, in their tender Years, drink in the knowledge of God and his Religion; But is now altogether neglected, in respect of the great abuse and errours, which crept into the Popish Kirk, by making thereof a Sacrament of Confirmation. Therefore that all Superstitions built there-upon may be rescinded, and that the matter it self, being most necessarie for the education of the youth, may be reduced to the primitive integritie, it is thought good, that the Minister in every Parish shall Catechize all young Children of eight Years of age, and see that they have knowledge, and be able to make rehearse of the Lords prayer, the Belief and ten Commundments, with Answers to the Questions of the small Catechism, used in our Kirk; And that every Bishop in his Visitation shall censure the Minister, who shall be found remiss therein; and the said Bishops shall cause the said Children to be presented before them, and blesse them with prayer for increase of their knowledge, and continuance of Gods heavenly graces with every one of them.

5

As we abhorre the Superstitious Observation of Festivall dayes by the Papists, and detest all Licentious and profane abuse thereof, by the common sort of Professors; so we think that the inestimable benefits, received from God by our Lord *Jesus Christs* Birth, Passion, Resurrection, Ascension, and Sending down of the Holy Ghost, were commendably and Godly remembred at certain peculiar dayes and times, by the whole Kirk of the world, and may be also now. Therefore the Assembly ordaineth, that every Minister shall upon these dayes have the commemoration of the foresaid inestimable benefits, and make choise of severall, and pertinent Texts of Scripture, and frame their Doctrine and Exhortation thereto; and rebuke all superstitious observation, and licentious profanation thereof.

Which Articles and Ordinances our Sovereigne Lord, with advice of the Estates, statutes and ordains to be obeyed, and observed by all his *Maj.* Subjects, as Lawes, in time coming; annulling and rescinding whatsoever other Acts of Parliament, Constitutions and Customes, in so far as they are derogative to any of the Articles above written.

It is to be observed, that these last words of the section immediatly preceeding, were neither voted, nor read in Parliament. Alwayes it is clear, that some of them here are acknowledged repugnant to former Acts of Parliament, concerning Gods Worship, which some do altogether deny. *Next* howbeit it was usuall and ordinarie, in all Parliaments since the Reformation, and was now necessarie, that the Liberties of the Kirk be ratified, the Libertie of Assemblies, and Discipline

of triall and punishment of the adversaries of true Religion : Yet no mention was made of the same in the Ratification of these Acts. Such Burrowes as dissented, obtained not the Ratification of their Privileges, as others did.

When all the Acts were now concluded, and the Ringleaders were insulting over the defenders of Ancient Orders, gaping for thanks and reward, and wishing every one to have wings to flee to Court with the report: The Grand Commissioner rising from the throne, to ratifie the Acts by touch of the Scepter, at that same very moment, was sent from the heavens in at the windowes of the house, which was dark before by reason of the darkness of the day, an Extraordinaire great Lightning, after the first a second, and after the second a third more fearful. Immediately after the lightnings followed an Extraordinary great Darkness, which astonished all that were in the house. The lightnings were seconded with three loud Claps of thunder. Many within the Parliament house thought them to be Shots of Cannons out of the Castle. It appeared to all, that dwelt within the compasse of ten or twelve miles, that the clouds stood right above the Town, and overshadowed that part only. The beacon, standing in the entrie of *Leith* haven, was beaten down with one of the blasts of thunder. After the lightning, darkness and thunder, followed a shoure of hailstones extraordinarie great, and last of all raine in such abundance, that it made gutters run like little brookes. The Lords were imprisoned about the space of an houre and an half. Servants road home with footmantles; and their Masters withdrew themselves, some to their coach, and some to their foot. So the five Articles were not honoured with the carrying of the honours, or ryding of the Estares in ranks. In the mean time, the castle thundered with their fierie Cannons, according to the custome used at other Parliaments. This Saturday, the fourth of *August*, was called by the people, black Saturday. It began with fire from the earth in the morning, and ended with fire from heaven at the evening. When the fear was past, then durst Atheists scoff and say, that as the Law was given with fire from mount *Sinai*, so did these fires confirm their lawes.

That same night that the Parliament ended, the Lord *Scoone* and Doctor *Young* posted to Court. *Scoone* cufened the Doctor, and prevented him. But *Sir George Hay* Clerk of Register, now Chancellour, prevented them both by a letter. Alwayes, *Sir David Murray* Lord *Scoone*, was made vicount of *Stormonth*, for that and other good services. The day following, the Earle of *Marr* took journey to Court. The Bishop of *Saint andrews* went to *Leith* that night that the Parliament ended, and according to his custome of profaning the Lords day, crossed the ferrie at *Leith* upon the Lords day, the fifth of *August*.

Dureing the time of the Parliament, the people called to remembrance those old Propheticall rhimes, which concerned the Marquess of *Hammiltoun's* House, and had them frequent in their mouthes.

*O wretched Scot, when Kedyow turnes thy King,
Then may thou doole and dolour dayly sing:
For from the south great sorrow shall he bring:
Therefore o're Scot right short shall be his rigne.*

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God appeared
angrie at
the concluding
of the Articles.

Report
carried to
Court.

Prophe-
sies of the
House of
Hammil-
toun.

And

1621.

And.

*The time will come, I trovv, as Thomas sayes,
Herdmen shall hunt you up through Garting gill,
Casting the padle, and letting the plough stand still.*

Protesta-
tions a-
gainst the
Acts.

Upon Moonday the 20. of *August*, the Acts of Parliament were Proclaimed at the market crosse of *Edinburgh*. The tempest, raine, thunder and fire slaughts were renewed, and continued all the time of the reading of the Acts at the Crosse. After the Acts of *Perth* were read, Doctor *Barclay* affixed a Copie of the Protestation above written upon the Crosse, and another upon the Kirk doore, and a third upon the Palace gate of *Halyrudhouse*, whereupon he took Instruments with all requisite solemnities, using the words following, *Here in the name of the Brethren of the Ministry, Professing the Religion, as it hath been practised in our Kirk, since the Reformation of the same, I protest against all these things, that have been concluded, in prejudice of our priviledges since the first Reformation thereof, and adheres to my former, made and affixed on the Tolbooth doore, and other places, and all other Protestations made in favours of the Kirk, in the times of preceeding Parliaments.*

The
Kings let-
ter to the
Bishops.

The King, having gotten the advantage of a Law, enjoyneth the Bishop of *Saint andrews*, and the rest of his Bretheren, rigorous executions, as is evident by this letter following, directed to them.

Right reverend Fathers in God, right trustie and welbelevied Counsellors, we greet yow well. *Salomon* saith, that every thing hath a time; and therefore certainly the last letter, which we received from you, was written in an unseasonable time, being fraughted with nothing but grieves, and expressions of affection, like lamentations of *Jeremie*, in that very instant, when both we and yehad win so great and honorable a victorie against the Enemies of all Religion and good Government; considering also the very time, which was the evening of the *fifth* of *August*. The greatest matter, the *Puritans* had to object against the Church Government, was, that your proceedings were warranted by no Law, which now by this last Parliament is cutted short. So that hereafter, that rebellious, disobedient and seditious Crew must either obey, or resist both God, their natural King, and Law of the Countrey. It resteth therefore to you to be encouraged, and comforted by this happie occasion, and to lose no more time, in preparing a settled obedience to God and Us, by the good endeavours of our Commissioner, and our other true hearted Subjects and Servants. The sword is now put in your hands, go on therefore to use it, and let it rust no longer, till ye have perfected the service trusted to you: or otherwise we must use it both against you and them. If any, or all of you be faint-hearted, we are able enough (thanks to God) to put others in your places, who both can, and will make this possible. Ye talk of increase of Papistrie. Your selves can best witness, what direction we gave for suppressing of them, by the Bishop of *Dumblane*, when he was last with us. We appeal the conscience of every one of you, if we have given any toleration in that cause, or required either our Council, or you to be slow or slack in that business. But as Papistrie is a disease in the minde, so is puritanisme in the brain. So the onely remedie and antidore against it, will be a grave

settled,

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settled, uniform and well ordered Church, obedient to God and their King, able to convert them that are fallen away, by plucking-out weeds of error out of their mindes, and to confirm the weaker sort by Doctrine and good Example of life. To conclude, we wish you now to go forward in the action, with all speed, and not to shew yourselves counterfeited now, when ye had never so little Reason, we having for your farther encouragement, given Commandment by our Letters to our Council to Assist you, as well in the repressing of obstinat *Puritans*, as in the Execution of wholesome Lawes, made against all Papists, specially trafficking Priests and traitorous Jesuits: And we expect to hear hereafter from time to time, what ye have acted, and of your good successe; and not to be troubled any more with questions and conceits. The Persons, which ye are presently to begin with, are the more rebellious and seditious sort, as they shall deserve. As for those that shall pretend greater Calumnies, but are not yet resolved to obey, they must be put to it within a reasonable time, and in the mean while transported from places of danger. Thus wishing you stout hearts, and happie successe, we bid you farewell, given at *Bussard* the 12. of *August* 1621.

This Letter, as many other of that kinde, no doubt, was procured by the Bishops themselves, if not also devised, and penned by them, & sent up to Court to be subscribed.

The Ministers of *Edinburgh*, since the dissolving of the Parliament, inveighed bitterly against the people, and charged them falsely, that they desired to hear none but such as would traduce the King. We are persecute by your tongues, said *Mr Struthers*, we are set up as a paper on a butt, that is holed and shot through by you. Lord, thou knowes it is for speaking of the truth. If it be not true which I speak, the Lord confound me here where I stand.

Mr Robert Bruce by direction from the King, was cited to compare before the Council, upon the 19. of *September*, to answer for transgressing the bounds of his Confinement, and coming to *Edinburgh* in time of Parliament, in contempt, and to move sedition. He purged himself of contempt of the meanest Magistrat, let be of the greatest. He shewed to the Lords, that he had the Kings Letter written to him, when he was in *Denmark*, wherein he acknowledged himself so much obliged to him for his good service, that he thought the quarter of *Scotland* too little to give him in recompence; and that notwithstanding he had exhausted his Estate, and Person, and left him nothing but his vital Spirits and his breath, which, saith he, apparently he is seeking: But he was prepared to suffer their Thieves holl, or their Axe; he was only careful not to suffer as a malefactor. The Chancellour passeth from that part of the libel, which concerned Contempt and Sedition, and challenged him for the breach of his Confinement. *Mr Robert* answered, that he was driven by a necessitie: For there was a matter of twentie thousand merkes to put to a point, which could not be done without his presence. He had written to the Secretar for a licence, but could not obtain it. The Chancellour confessed, if he had written to him, it should have been granted. Yet he was removed, called-in again, and a warrant delivered to him to enter his Person in Ward, in the Castle of *Edinburgh*, where he was detained till the beginning of

The Ministers of *Edinburgh* inveighed against the people.

Mr Robert Bruce was warded in the Castle of *Edinburgh*.

1621.

M. J.
Welsh his
death.

M. A.
Duncan &
M. A.
Simpson
released.

The
Kings let-
ter to the
Council
for conform-
itie.

Januar. The Bishops absented themselves from the Council that day, howbeit they were his delators.

Mr John Welsh, after fourteen Years banishment, was forced to returne out of *France*, by reason of a grievous disease which seised upon him. He came to *Campheir* in *Zeeland*, from whence he sent supplication to the King, for licence to returne to his Native Countrey for his healths sake. The King granted him libertie to come to *London*, and sent the Dean of *Winchester*, *Doctor Young*, to draw out of him, if it were possible, a general approbation of the present Government of the Church, suppose it were never so superficial. He gave a fair confession to the truth, and would not yeeld so much as a hoofe. As he had suffered for opposing to these corruptions, so he had found contentment in his suffering. Seing they could not prevail with him, libertie was denied him to returne to his Native Countrey, howbeit he was not able to preach any more by reason of his disease. So he ended his dayes at *London*, with the deserved name of an holy man, a painful and powerful Preacher, and a constant sufferer for the truth.

Upon Wednesday the second of *October*, *Mr. Andrew Duncan* and *Mr. Alexander Simpson* were released out of Ward, by a warrant, sent from the Council to the Captain of the Castle of *Dumbartoun*. Upon the tenth of *October* they compeared before the Council. *Mr. Alexander* was confined in his own Parish. *Mr. Andrew Duncan* was willed to make choise of any Parish in *Scotland*, for the place of his confinement. He choosed *Kilrinnie*, which is next adjacent to his own.

Upon the tenth of *October*, a letter, directed from the King, was read in the Council, wherein he willed the Lords of Secret Council and Session, & members of the Colledge of justice, to be advertised before Christmas next, to resolve upon obedience to the five Articles, under the pain of deprivation from their offices, which they had of his *Maj* the copie here followeth

Right trustie and well beloved Cousins and Counsellors, and right trustie and wel beloved Counsellors, we greet you well. Whereas the Church Orders concluded at *Perth*, are now established by Law, we are resolved, that none, having promotion by Us, shall be disobedient thereto. And because that we have said, in our *Βασιλική Δέρεν*, that we will have Reformation to begin at our own elbow, which is the Privie Council, the Courts of justice, and the members thereof, we have thought good by these presents to signifie our pleasure unto you, which is, that ye go through our whole Privie Council and Session, requiring every one of them, and the members thereof, to conform themselves to the said Orders; which we hope they will readily do. But if any Counceller or Sessioner shall refuse, or make difficultie, ye shall assure him, that if within 14. dayes before Christmas next, he do not resolve to conform himself, he is to be suspended; and if any Advocat or Clerk shall not at that time conform himself, he is to be suspended from the exercise of his Place or Office, and the fees and casualities thereunto belonging, till such time as he be conform. It is also our special pleasure, that ye take strict order, that no Magistrats, nor Officers of Burghes, nor Sheriffs, nor Sheriff Clerks or Officers be chosen throughout all our Kingdom, but such as are in all points conform, and give due obedience to the said Orders. And expecting your special diligence herein, as ye will do us most acceptable service, we bid you farewell. Given at our mannour of *Hamptoun* the 29. of September 1621.

The

The weather was unseasonable at, and since the Parliament, till the end of *August* which caused the harvest to be late. The unseasonable weather beginneth again in the beginning of *October*. Houses, Women and Children, and much corne were carried away with spais of water. The river of *Tay* swelled so high, that it went over the stately bridge of *Perth*, newly compleet. In the mean time, the water of *Almond*, and a *Loch* bewest the Town, came down upon the west hand, which was as dangerous, as the River on the east. The Town was inironed with vvater, so that none could passe out for five or six dayes, neither could the Inhabitants go from house to house for the vvater on the streets. Young Children vv ere let down at vvindowves by cordes to boats. Much malt and meal vv as spoiled. Ten arches or bovv es of the bridge vv ith their pillars were broken down, upon the fourth of *October*. The people ascribed this vv rack to the iniquitie, committed in that Tovvn: for there vv as holden the last General Assembly, and an other in the Year 1596. vv hereat the schism in this Kirk began: There vv as also holden *Anno* 1606. the Parliament at vv hich Bishops vv ere erected, and the Lords road first in their scarlet govv nes. The bridge of *Berwick*, vv hich vv as nev vly built, vv as broken down by the violence of *Tweed*. The King had sent down vv ith Doctor *Young*, a dictum to be set up upon the bridge, to vv it, these vv ords follovv ing, *Hoc uno ponte duo regna conjunxi, Deus diu conjuncta servet.* Sir *William Beyer*, Major of the Town, stayed the taking away of the centries, and putting in the key stone, till the Kings skole were drunk at that part of the bridge. The Lords day was appointed for this solemnitie. But the Lord prevented the day. The harvest was so late, that scarce were cornes inned in the best parts of the country at *Hallowmas*. Never greater fear of famine, nor scarcety of seed to sow the ground. Every man was carefull to ease his Familie of such Persons as he might spare, and to live as retired as possible he might. Pitiful was the lamentation, not only of wandering beggars, but also of honest Persons.

About the end of *October*, the Bishop of *Saintandrews* received a letter, directed, as he alledged, from the King, to urge all Ministers, Readers and Schoolmasters, to conform, or else to depose them, without respect to age or infirmitie. Whereupon *Mr. Thomas Bigger*, Reader at *Kinghorne*, was called before the High Commission. The Bishop refused to give him time to advise upon a resolute answer, and warded him in the Tolbooth in *Saintandrews*. Within few dayes after, he suffered him to return home, upon condition to keep himself within the School; and neither read in the Kirk, nor discharge the office of Clerk in the Session.

Upon the 22. of *October*, the day appointed for the Lords of Secret Council & Session to give their answer for their obedience to the five Articles, they answered, it behoved them to obey the Kings Lawes. When they came forth, some of them said, if they had been urged more particularly, they would have answered, as *Mr David Calderwood* did to the King, that they would obey passively, but not actively. The day following, the Advocats and Clerks were called upon, and desired by the Chancellour to prepare themselves against Christmas next, to give obedience to the Kings Lawes. They were dismissed

Mr.
Thomas
Bigger
troubled by
the Bishop

1621.

M. W.
Forbes un-
orderly
chosen to
be Mini-
ster of Edin-
burgh.

with a gentle and general Admonition, without particular inquirie, or urging. The Earle of *Argile* was this day by open Proclamation, at the market Crosse with sound of trumpet, and lyon heraulds, declared the Kings free liege.

Mr. Andrew Cant, being one of the our upon the leets for the election of a Minister to *Edinburgh*, in his proof-sermon deplored the miseries of our Kirk, and corruptions of the time, in so gracious a manner, that many of the hearers shed tears. The Ministers of *Edinburgh* envied the honest man for his libertie, and applause he had of the people. The Votes inclined to *Mr. Andrew*: But the Provest *David Aikenhead* reported, as from the Bishop, that the King would not be content; because he had heard of his seditious Sermons. The Provest and Ministers, at another meeting, obtruded *Mr. William Forbes*, who, not being heard, was chosen by pluralitie of Votes of the old and new Council, & old and new Session, the rest of the Citizens opposing in the contrair, and alledged there was an honest man already chosen with common consent, meaning *Mr. Andrew Cant*; and that none other should be chosen till he were placed. Upon the 21. of *December*, the Provest and Council directed *John Makmath* and *William Nimmo*, two of their number, to *Aberdeen*, for Doctor *Forbes*.

M. J. Mur-
ray summo-
ned before
the high
Commis-
sion.

Upon the 12. of *December*, the Bishop of *Saint Andrews* sent an officer to summon *Mr. John Murray*, Minister at *Dumfermline*, to compear at the Castle of *Saint Andrews* upon tuesday the 15. of *December*, to hear himself removed from his ministry, unlesse he conformed to the Acts of *Perth*. By reason of his absence, the officer affixt a summons upon the door of his dwelling House. He preached the day he should have compeared. Sundrie Gentlemen of the Parish went to *Saint Andrews*, to intreat the Bishop: But before they came, the Bishop, not having a competent number to hold a Court, ordained him to be summoned, *de novo*, to the third of *Januar*.

M. R.
Bruce con-
fined in In-
nerness.

The same day *Mr. Robert Bruce* was sent for to compear before the Council, where the Kings will was intimat to him, to wit, that he return to his own House, and stay there till the 12. of *April*, and then transport himself to *Innerness*, and remain at *Innerness* and within four miles about, during the Kings pleasure.

Christ-
mas keep-
ed.

Mr. Patrick Galloway, preaching in the great Kirk upon Christmas day, fretting at his rare auditorie, exclaimed against those that came not to the Kirk that day, and said, they were to be accursed with *Cain*, they would not stay while God cutt them off, but cutt themselves off from the Kirk and societie of Gods people. *Mr. John Guthrie* taught in the little Kirk. In time of his Sermon, an hundreth and six booth doores, or thereby, stood open. After Sermon the Provest and Bailiffs went, arrayed in their best apparel, with the Chancellour, to the feast he had prepared for them.

1622.

Upon the third of *Januar*, neither *Mr. John Murray*, nor *Mr. John Row*, Minister at *Carnock*, who was likewise summoned, compeared before the High Commission. Some, sent in commission from their Parishes, intreated for them, but prevailed not. It was ordained, that *Mr. John Murray* be removed instantly from *Dumfermline*, and be confined in the Parish of *Foules* within *Stratherne*: and *Mr. John Row* be confined within his own Parish of *Carnock*, and teach no where else. The Bishop pretended two reasons of his spight against *Mr. John Mur-*

ray:

ray: One that by his example and advice the Ministers of the Presbytery of *Dumfermline* were dissuaded from Conformitie; which was untrue: for all, except two or three, were opposit of themselves. Another, for receiving to the Communion the people of *Edinburgh*, discontended at their own Ministers. But the true cause was the Opposition he had made many Years before, both in Pulpit and Presbytery, when he was Minister at *Leith*; which the Bishop and his followers could never digest. The execution of his malice was a long time suspended, by the intercession of friends. In end, apprehending that he was but slighted by their request, he charged him at this time to compear before the High Commission, to hear and see himself deposed from the Ministry of *Dumfermline*, for his contumacious disobedience, in not conforming to the Acts of the Kirk and Parliament, and hindering others also to give obedience. But he resolved not to compear; partly, because he was loath to countenance by his compearance such an unlavvful judicatorie. They give out sentence against him, and decerned, that he shall remove to *Stratherne*, & keep himself confined within two miles in *Foules*. Yet he stayed till the Bishop procured a warrant to charge him under the pain of rebellion to remove. Immediately after his removal, the Bishop sent *Mr Henrie Makgill* to *Dumfermline*, a man vvhom the people had never seen nor heard of before, and thrust him in upon them, without consent either of Presbytery or Kirk Session.

Upon the sixth of *December* last by past, *Mr. David Dickson*, Minister at *Irvine*, being in *Glasgow*, the Bishop sent for him, and shewed to him, that he had received a letter from the King, to take order with him and *Mr George Dumbar*, and some others, not only because they had not practised the Ceremonies; but also because they had done, what lay in them, at the last Parliament, to impede the enacting of the Articles at *Perth* Assembly. He alledged he was loath to trouble him, because he was diligent in his ministry: Yet the matter stood so, that it behoved either him or himself to be deposed. *Mr. David* answered, if ye trouble me, I trust in God, I shall have peace in my suffering. He was desirous to hear *Mr Davids* reasons; wondering that one, who had taught Philosophie, should have taken such a course. *Mr David* answered, the first reason wherefore I may not obey these, is, because there is no reason wherefore they should be commanded. The Bishop answered, that in Substance of Religion it was true, but not in Ceremonies. *Mr David* replied, though in matters civill, which concerne temporal losse or gain, the not seeing a reason of the commandment, is not a sufficient reason to disobey; yet in matters that concerne Christs Kirk, Religion, and the Worship of God, whether Substance or Ceremonie, whatsoever is imposed upon the flock of Christ universally, and to be practised ordinarily and solemnly in and about the Worship of God, and may not be omitted, must either have a known and sufficient reason for the injunction of it; or else a man may lawfully refuse to give obedience to it. After they had agitat for a certain space this subject, at parting the Bishop threatned again. *Mr. David* answered, that he entred in his ministry before the Assembly holden at *Perth*, and since that time had been considering the controversies of our Kirk, as the Lord enabled him, and found that with a safe conscience he could not obey these Injunctions, but was readie by the grace of God to suffer what flesh and blood could do unto him.

1622.

M. D.
Dickson
charged to
compear
before the
high com-
mission.

1622.

Upon the second of *Januar*, while *Mr. David* and some of the Brethren were occupied in fasting and prayer, the Bishops page came to *Mr. Davids* dwelling House, and delivered him summons, to compear before the High Commission in *Edinburgh* the 9. of *Januar*. Against which day were also summoned *Mr George Dumbar*, Minister at *Air*, *George Johnston* Minister at *Ancrume*, and *Mr Thomas Abernethie* Minister at *Ekfoord*. *Mr David* taught, upon the day after the summons, the other half of the verse 2 *Cor.* 5. 11. The first part he had taught at his entrie in *Irvine*. It was ever his earnest desire, since that time, that before it pleased the Lord to remove him either by death, or otherwise, it might please his *Maj.* to enable him to teach this other half, *But we are made manifest to God &c.* During the whole time of the Sermon, there was weeping and lamentation. That whole day, the women walking in the Kirk yard, or under stairs, weeped, as if their husbands had been newly buried. The Provost, Bailiffs and Council of the Town, thought it a dutie required at their hands, to penne a Supplication, bearing testimonie of his faithfulness and diligence in his calling and godly conversation, that the High Commission might see, how injurious they would be to God and them, if they removed him. All the honest men in the Town, that were present and could write, subscribed the Supplication. Eight or nine men of good qualitie were appointed to accompany him. While they were resting in *Linlithgow* upon the Sabbath-day, a young man was sent post haste from the Bishop to *Mr David*, with commission to intimat, that if he would suit continuance with his people, till he were better advised, it vould be granted; but if not, he should be removed a Hundreth miles from the doores. *Mr David* answered, I am not that man, that I will refuse continuance with my flock, if either my own, or the request of others, may procure it; but to crave continuance for further advisement, I cannot, except I would dissemble: for I am fully resolved in that matter. When they came to *Edinburgh*, the men of *Irvine* went to the Bishops lodging, and reported what good was done by *Mr. Davids* travels, and declared what was like to be the state of the Congregation. Some of the Bishops seemed to be moved; but the event proved otherwise.

Upon the ninth of *Januar*, *Mr David Dickson* and *Mr George Dumbar* compeared before the High Commission; but were continued till the day follovving.

George
John-
stoun's ex-
cuse.

George Johnston sent a letter of excuse, signifying to them, that he could not travel, partly by reason of the alteration of the state of his bodie; partly by reason of the present storm. He willed them to consider, that he had been preaching these fiftie Years against the Romish Ceremonies, and if he should build again novv the things he had destroyed, he should make himself a transgressour. I am novv, sayes he, going to my grave; but it is like ye vould deal vvith me, as a *Turk* did vvith a shoemaker. He commanded him to renounce Christ, or else threatened to kill him. The shoemaker answered, he had his shoes to make, he could not be at leasure to do those things: vvhereupon the *Turk* killed him.

Mr.
George
Dumbar
deprived
and confi-
ned.

The day follovving, convened the Bishops of *Saint andrews*, *Glasgow*, *Galloway*, *Dunkelden*, *Aberdeen*, *Iles*, *Cathness*. *Mr. George Dumbar* vvvas first called on. After the reading of the summons, vvwhich threatened Deprivation, and that some vvords had past concer-

ning

ning conformitie, he gave in a Declinature. The Bishops raged, and alledged he had denied the Kings Authoritie, and made a shevv to cry for the Provost and bailiffs to put him in close prison. *Saint andrew* preferred the late Jesuit, father *Anderson*, before him as a better Subject, and called all the *Puritans* in *Scotland*, Liers. *Mr. George* answered vve disclaim not the Kings Authoritie, and his judicatories; vve appeal to the Authoritie, established by the King and the Lawes of this Realme, which in all humilitie we will obey, either actively, or passively. They proceed notwithstanding to the sentence of Deprivation, and ordained him to be warded in *Dumfries*. The Declinature here followeth.

For as much as the Assemblies of this Kirk, standing in force, and ratified by the laws of the Kingdome, have respectively, and properly belonging to them, only lawful power and libertie to Try, Admit and Ordain qualified persons to the service of the Ministry, and to suspend and remove from the same, such as shall happen to be found faultie and insufficient, and to exerce the whole Jurisdiction and Discipline of the Kirk, according to the order established; by vertue whereof, and by reason of the solemn Oath of God, afflicting the whole Kingdom, and specially the Ministry thereunto, the lawful General Assemblies, Provincial, and Presbyteries, have lawful povver and libertie in matters of Admission, and Deprivation, to or from Ecclesiasticall functions. Never thelesse vve have received the copie of a libel, vvheryby vve are summoned to answer at your instance, in a cause of Deprivation, contrarie to the Priviledges and Liberties of the Kirk, Lawes of the Countrey, and commendable course and practise hitherto observed vvith in this Kirk and Kingdom. Herefore vve most earnestly and humbly desire you, that ye vvould vvifely consider, and cease to trouble us vvith such commandments, as may intend prejudice, or prove hurtfull to the Kirk and Kingdom of *Christ* vvithin this Realm. Othervvise, for the obliged respect and dutie vve carrie to the Kirk, and lawfull Assemblies thereof, vve vvill be forced to Decline you, as judges no vvayes competent in the cause libelled. Likeas we, being most willing to eschew the meaneft degree and imputation of Contempt, have disposed our selves to come in your presence, to declare unto you the necessitie of our subjection to the judges and judicatories above Ipecified, and in that respect to testifie our declining from you, as incompetent judges in the cause libelled. And by these presents we *simpliciter* decline you offering our selves most willingly to a lawful and ordinarie judgement, appointed and established by the Lawes of our Kingdome, concerning us and our affairs: and that for the reasons following, and others to be alledged in time and place.

Because the right of triall, cognition, and giving of sentence, in the cause expressed in the libell, standeth in the power and priviledge of the Lawful Assemblies above written, respectively, which by no Law nor Canon of the Kirk, as yet extant, are cancelled, annulled, or declared expired; much lesse translated, or devolved in your Persons, to try, cognosce, appoint punishments, and execute sentences at your pleasure.

Because this form of judicatorie is mixed of Civil and Ecclesiastical Persons, for the inflicting of Civil and Ecclesiastical Censures upon the parties conveyed before you, to the prejudice of that distinction, which should be betwixt Civil and Ecclesiastical Judicatories, according to the word of

1622.

His declinature.

1.

2.

God,

1622.

God, and established order in this Kingdom; whereby it is out of all question, that no civil person can sit, or cognosce upon the Deprivation of a Minister: as also that no Minister, or Ecclesiastical person may inflict any Civil punishment, or yet any such Ecclesiastical Censures, as belong to a vvhole Assembly; much lesse in their ovvn names libel edicts; summon parties, impose diets of compearance, lead processe, give out sentences, not only different, but in many respects contrarie to the forms of proceedings, received and practised in the Kirks affairs: as the libel, whereby we are summoned, importeth.

The proceedings of the high commission against Mr David Dickson.

Before *Mr David Dickson* was called on, the honest men of his Parish presented their Supplication, and thereafter he was called on. The Bishop of *Saintandrews* called to minde what good hopes were conceived of *Mr David Dickson*, when he was Regent in the Colledge of *Glasgow*, at which time he was Bishop of that sea, and pretended he was glad of the good report he heard of him, since his entry to the Ministry. The summons being read, and he desired to answer, he besought them to expound all his words to the best sense, and to suffer himself to be the expounder. In end, he asked if *Mr George* had given in a Declinature: his intention was to adhere to it judicially, if they had judicially confessed. We will not satisfie you in that, said *Saintandrews*, do you for your self. I shall do so then, God willing, said *Mr David*, and taketh out of his pocket a copie of the Declinature, which by Gods Providence he had with him, reserved for his own privar use. Some of the Bishops whispering in his ear, as if they had favoured him, said to him, take it up, take it up. He answered calmly, I laid it not down to that end to take it up again, Then *Saintandrews* asked, if he would subscribe it. He professed himself readie. The Clerk at the Bishops direction beginneth to read it. He had scarce read three lines, when the Bishop in anger said, I see, all is one, they have agreed upon it. Then he burst forth in cursing and railing speeches, full of gall and bitterness, with a countenance answerable. And turning him to *Mr David*, he said, these men will speak of humilitie, and meekness, and talk of the spirit of God. The Spirit of God is the spirit of humilitie and obedience: But ye are led with the spirit of the Devil. There is more pride, I dare say, in you, then in all the Bishops in *Scotland*. I hanged a Jesuit in *Glasgow* for the like fault. *Mr David* answered, I am not a rebell, I stand here as the Kings Subject, and offer my self in my Declinature to the ordinary judicatorie, established already by the Kings Lawes. Grant me the benefit of the Law, and of a Subject, and I crave no more. The Bishop seemed to take no notice of these words; but still said, your parishoners came to me this day, and craved continuation upon hopes, but now your Declinature curreth off all favour. *Mr David*, turning him to them, asked, if they had put them in any hope concerning him. Then answered a number of them, nay, nay. After his removal, the Bishop of *Glasgow* had a tedious harangue, wherein he reported, that many had interponed their requests for him, namely the Earle of *Eglintoun* and his Ladie, *Mr Davids* father, and *Mr. James Robertoun*, Brother in law to the said *Mr David*; that he had promised under a condition of secrecie, that if *Mr David* behaved himself well before the High Commission, he should be suffered to return home: but by this Declinature he had marred the matter, and made *immedicabile vulnus*; and said, he was glad, that his Parishoners and

Mr. James

Mr. James were present, to bear witness of his part. The truth is, he promised to the Countess of Eglintoun, that if Mr David carried himself quietly, when he came to the Town of Edinburgh, he should not be called upon before the High Commission; which notwithstanding was not performed. The Bishops desired Mr. James Robertoun, and the honest men of Irvine, to remove, and move him to take up his Declinature. Mr. James craved a reasonable time, because it was not likely he would be drawn from his grounds, in so short a space; which was not granted. Then the Bishop of Saint Andrews railed, and called him a Schismatick, an Anabaptist, one that had misled them, and filled them with fancies. The Bishop perceiving Robert Broun, the Town Clerck, ready to testify his discontentment at the Bishops speeches, by moving of his shoulders, saith to him, what are ye Sir? Are ye led away with the same vanitie also? Read the Scripture, read Saint James, ye have the faith of God in respect of Persons. Because your Minister saith so, and so, ye will say so also. The honest men went forth, and told Mr David, what the Bishop had desired him to do; but knowing the Bishops resolution, they did not as they were desired. Within a little space after, Mr David is called on again. St Andrews saith to him, thou art a Rebel, a breaker of the fifth Command, Disobedient to the King and us, who may be your fathers, both oneway and other. Ye shall ride with a thicker back, before ye dinging the Kings Crown off his head. Far may such a thought be from me, answered Mr David: I am so far from that, that by Gods grace there shall not a stroke come from the Kings hand, that shall divert my affection from him. It is a Puritan tale, saith Saint Andrews; ye call the King your King, but he must be ruled by you. Aberdeen asked, whether will ye obey the King, or not? He answered, I will obey the King in all things, in the Lord. I told you that, said Glasgouv. I knew he would eek to his limitation. Aberdeen asked again, may not the King give this Authoritie, that we have, to as many tutors and tailors in Edinburgh, to sit and see whether ye be doing your dutie or not? My Declinature answers to that, said Mr David. Then Saint Andrews fell again to railing. The Devil, saith he, will deceive, he will draw anew with him, he has Scripture enough. He called Mr David knave, swinger, a young lad; and said he might have been teaching bairns in the School. Thou knowes what Aristotle saith, but thou has no Theologie. Because he perceived Mr David gave him no files; but once called him Sir. He gnashed his teeth, and said, Sir, ye might have called me, Lord: long since, When I was in Glasgouv, ye called me, Lord: But I cannot tell how ye are become a Puritan now. Mr David stood silent all the time, & once lifted up his eyes to heaven, which St Andrews called a proud look. At last he said, I have been eight Years a Regent in the Colledge of Glasgouv, and four Years a Minister, those, among whom I lived, know, I am not the man you call me. Say to my person what you please, by Gods grace it shall not touch me. Ay, saith St Andrews, ye glorie in your suffering. There are here that will suffer more for a good cause, than ye will do for an evil. No, saith Mr David, I glorie not in my suffering; but if ye will trouble me, I hope to have peace in my suffering, as I said to the Bishop of Glasgouv in his own gallerie. Enough of that already, saith Glasgouv. St Andrews giveth out the sentence in these words, We deprive you of your Ministry at Irvine, and Ordain you to enter in Turreff in the North, with-

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in twentie dayes. The will of the Lord be done, said *Mr David*, though ye cast me off, the Lord will take me up. Send me whither you please, I hope, my Master shall go with me; and as he hath been with me heretofore, he will be with me still, as with his own weak servant. Sweith away, saith *Saint andrews*, as if he had been speaking to a Dog: Pack you swinger; and crying to the door-keeper, he saith, shut him out. *Robert Brown*, the Town Clerk of *Irvine*, when they were to go forth, saith, is that doleful sentence pronounced? As for you, *Mr David*, the Lord strengthen you to suffer: but as for you, sirs, turning him to the Bishops, God turn all your hearts. While they were going out, *Saint andrews* crieth, who is that? I shall take Elder with you, Sir. The Bishops were as soon in the streets, as the honest men; so that it appeareth, they neither began nor ended with prayer. Their processe was not formal. The Procurator fiscal, at whose instance he was summoned, was not present. He was neither accused, nor convicted; they asked not so much as will ye obey the Acts of the Assembly: but only railed, and gave-out the sentence, without mention of any cause. When they came, and considered the words which had past, they could finde no ground of advantage: But only that he said, he would obey the King in the Lord: which imported as much, said they, as the King commanded not in the Lord.

M. D.
Dickson
charged to
enter in
ward.

Mr David continued preaching till the 20 dayes were expired, and then, because he had declined the Ecclesiastical strike, not meddling with the Civil Authoritie, he took instruments of his readines to obey the Kings Civil Command, and entered in his journey. But at the Earle of *Eglintouns* request, the Bishop of *Glasgow* granted him licence to come to *Eglintoun*. But the people resorting to his preaching in *Eglintoun* hall, or the Cloffe, he enjoyed that libertie only two moneth. Then upon the Eleventh of *April*, the Bishop of *Glasgow* sent to him a charge, to remove to his Ward: howbeit the week preceeding, when the Synod convened at *Glasgow*, he promised to *Mr John Bell*, *Mr Robert Wilkie*, and fourtie other Ministers, and to the Commissioner sent from *Irvine*, all requesting for favour to *Mr David*, that he should not be hastie in charging him; and pretended a greater care and love to him, than any of themselves. And yet the day following, he wrote two Letters, one to be directed to the Earle of *Eglintoun*, another to the Town of *Irvine*, to assure them, that he would charge *Mr David* in all haste. The Provest of *Irvine*, ryding from *Glasgow* homeward, meeteth the messenger, breaketh up the letter, and returneth presently to *Mr John Bell* and *Mr Robert Wilkie*, and revealed the matter unto them. They would not beleieve it, till he shewed them the Bishops letter. They went to the Bishop, and put him in minde of yesterdayes promises, but prevailed nor. They returned to the Provest and some others, who were with him for the present, and confessed, they were ashamed of the Bishops proceedings. *Eglintoun*, having received the Bishops letter, came to the Bishop, and requested the charge might be delayed, at least till he returned from *Edinburgh*. He promised to do so. And the day following, that is, upon Saturday, renewed the same promise to my Lord *Roß*. And yet the day after, that is, upon the Sabbath, at the ringing of the third bell, he rideth out of the Town, and delivereth the charge to the messenger, commanding him to go west on the morrow, and charge *Mr David*. In the narrative of the Charge mention was made, that he was deprived

of

of his Ministry within this Kingdom, whereas in the sentence they deprived him only of his Ministry at *Irvine*. Whereas the Bishops, in the High Commission, had ordained him to enter into *Turreff*, without mention of confining him within the bounds of that little Village; in the charge he is commanded not to passe out of the bounds of it. So *Mr David* being charged, addressed himself to the place of his confinement, for Obedience to the civil part of the charge.

Mr William Forbes was received Minister of *Edinburgh*, upon the 12. of *March*, after the Bishop had ended his Sermon. After the dissolving, the Provest and Bailiffs, the Bishops and the Ministers went all to a banquet; prepared for the purpose, and sat so long, that the Session of the Kirk sat not for Discipline that day. But the Godly had sorrowful hearts, both for the form of his entrie, and his corrupt disposition, which he concealed not in his very first Sermon, before he was admitted. As he came in unorderly, so he went out within five or six years after.

Upon the sixth of *Februar*, *Mr John Murray*, Minister of *Dumfermline*, was charged by Letters of horning, directed from the Council, to repair to the Parish of *Foulis* within fifteen dayes, and to remain there confined. *Mr John Row* was charged to keep within the bounds of his own Parish.

Upon Tuesday, the 17. of *April*, at the general meeting of the Session, Council and honest Citizens of *Edinburgh*, before the Communion, according to their custome, *Mr Thomas Gray* Advocat, and *James Weel* Merchant, challenged *Mr Patrick Galloway's* Doctrine, which he had taught the two Sabbaths preceeding, as erroneous, raising two arguments for kneeling upon a false ground. But the Provest *David Aikenhead* abused them both with reviling speeches.

The Council had written to the King, to suffer *Mr Robert Bruce* to be warded in his own house, till the Winter Season were past. This answer was returned about the end of *March*. It is not for love of him that ye have written, but to intertain a Schism in the Kirk. We will have no more Popish Pilgrimages to *Kinnard*, he shall go to *Inverness*. So he was forced to address himself to his confinement, and entreth in his journey about the midst of *April*.

Upon Easter day the 21. of *April*, *Mr Patrick Galloway* in his Sermon said, that the King, and the Estates in Parliament, have thought good, that uniformitie be kept with the best reformed Kirks, and have ordained, that the Kirk of *Scotland* should kneel at the receiving of the Communion. To your selves be it said, to God be it said, and to the King be it said, if ye kneel not; and let it be upon your own peril: For now there is a Law established by Act of Parliament for it. After Sermon he came to the Table, to consecrate the Elements. There were four cups full of wine, where two might have served: For there were about two hundred and fiftie Communicants only, in the old Kirk, where he & other two Ministers attended on the ministration. *Mr Patrick*, rising up after thanksgiving, taketh hold of the table for help, & overturneth the foure cups, and the two basons which had the element of bread in them; For there the Table was not sure set. The bread and the Table clothes being all wet, it behoved the Dean of guild to get new provision of Table clothes, Bread and Wine. Among

Dr Forbes
entry in *Edinburgh*.

Mr I.
Murray &
M. I. Row
confined.

Mr P.
Galloway
challenged
for his Do-
ctrine.

Mr R.
Bruce
charged to
enter to In-
verness.

Easter
Communion.

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all the two hundreth and fiftē, there was not a Person of any note, but the Secretar, the Kings Advocat *Sir William Oliphant*, *Sir Henrie Wardlaw*, the Provost, the Dean of guild, *Dame Dick*, and the Master of work his wife; and two bailiffs, that communicated not. Plaids, gray cloaks and blew bonnets made the greatest shew. The most part consisted of the Parishoners of the West Kirk, and Abbay Kirk lately joined to *Edinburgh*. All kneeled who were present, except four simple persons, and the two bailiffs that were present, but did not communicat. All the Communicants of the Colledge Kirk sat, except *Mr Alexander Morison*, *Mr. Alexander Peirson*, *John Gilmore*, the three Ministers, *Doctor Forbes*, *Mr William Struthers* and *Mr. Thomas Sydserf*, *Mr. Thomas Sydserf's* Wife and a slight Gentlewoman; who all kneeled. Upon the 28. of *April*, *Mr Patrick* had yet fewer Communicants, and these of the meaner sort of the people. Ye many of them sat, which grieved him to the heart, till at last his furie brake out upon a poor Woman. After he had given her the element of bread, he said, can thou tell what that is? bow, bow. Before she got the cup, he would have her to kneel. The silly woman was dashed and grieved, To a simple man he said, when he was to give him the Elements, sit you so misleardly? bow down, and kneel. The man answered. If I be wrong, ye have been teaching me wrong these fourtie three Years bygone. It was observed, that *Mr Patrick* himself bowed the one leg, had the sole of his other foot upon the ground, and sat withall upon the furme, when he received the Elements. None kneeled this day in the Colledge Kirk, but the three Ministers. *Mr Patrick* being forewarned, that if he behaved himself so imperiously, he would get the fewer Communicants in time coming, he offered the next day to give it to the Communicants sitting, standing, or kneeling. But few resorted to him, partly because of his imperious carriage the day before: partly because the Lords Supper was celebrat that day in *Dalkeith*, *Dudingstoun* and *Tranent*; to which places many of the people of *Edinburgh* repaired.

G. Johnstoun and M. T. Abernethie summoned before the high commission.

George Johnstoun Minister at *Ancram*, and *Mr Thomas Abernethie* Minister at *Eckfurd* were summoned to compear before the High Commission at *Edinburgh*, the 28. day of *June*, to hear and see verified and proven against them, that they have contraveened the Acts of *Perth* Assembly, specially in not preaching to the people, upon the dayes appointed, the storie of Christs Nativitie, Passion and Resurrection, and not ministring the Communion according to the form, prescribed by the said Assembly; notwithstanding they were sundrie times most earnestly required to conform themselves, in obedience to the said Acts; and these things being verified and proven, to hear themselves decerned to be Deprived of all function in the Ministry in time coming, and to be punished by all Censures and Pains, which may be inflicted upon them by the saids Acts, and by vertue of his Maj. commission, with certification, if they compear not, they will decern in manner foresaid, and cause Letters be direct for denouncing of them his Maj. Rebels, for their contumacie and not compearance. *Mr Thomas Abernethie* compeared, but what past betwixt him and the High Commission, was not well known. His Brother, the Bishop of *Cathness*, dressed the matter so, that *Mr. Thomas* was delayed for the fashion, till the ninth of *July*; as for the fa-

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tion he was joyned with *George Johnstoun* in the summons. *George Johnstoun* sent this excuse following.

Whereas I am cited before your *Lordships*, now the second time, for some alledged omissions in my Ministry, whereby evil example is given to my Brethren; and therefore threatned with Deprivation and Horning: My answer is, as it was in winter last, if my age of 73 Years, with my infirmities *viz* swelling in both my legs, my accustomed fever after my travell in the free air, with other miseries following age, which I refer to your Lordships consideration; having moreover past a jubilee of Years in the Ministry, without Deprivation or Suspension, may not hold me excused from coming to *Edinburgh*, with manifest hazard of my health and life, I offering, in my last Letter, to compear where these two may be safe, to give answer to your *Lordships*, or to any competent and indifferent judge: if these reasons, I lay, cannot serve your *Lordships*, I take me to Gods mercie, not being guiltie of any crime committed, either to be laid to my charge, or yet to my conscience. Yet expecting your Brotherly sentence, I rest your servant in the Lord, this 25. of *Juny* 1622.

Ingerere violentiam naturæ, odiosum est. Quæ parentibus feceritis, eadem Sc. Pueritia apud omnes meretur favorem, commiserationem senectus. Calumniatorem oderis.

GEORGE JOHNSTOUN Minister at ANCRAM.

In the postscript, he setteth down other weightie matters, which required his presence in *Edinburgh*, but that he durst not hazard his health: and that he was charged before an Head-court to be holden at *Ancram* upon the same day, at which he was summoned to compear, where he had matters of weight concerning the Kirk, and otherwise, to pursue and defend. They proceed notwithstanding to their sentence of Deprivation. They decern him to be Deprived of all function of the ministry in time coming, and ordaineth him to enter in Ward in *Annandail*, and there to remain during his *Maj.* will; and ordains Letters to be direct from his *Maj.* Privie Council, charging him under the pain of Horning to the effect foresaid, for the causes above mentioned. *Spotswood* Bishop of *Saintandrews*, *Law* Bishop of *Glasgow*, *Patrick* Bishop of *Aberdeen*, *Andrew* Bishop of *Galloway*, *Patrick* Bishop of *Roß*, *John* Bishop of *Cathness*, sat this day in the High Commission, and decerned in manner foresaid. *Mr John Abernethie* Bishop of *Cathness*, a Diocie in the North, and continuing still Minister of *Jedburgh*, a burgh in the South, carried an inveterat malice against the said *George*: because he ever opposed to his Corruptions, both in Presbytery, and out of the Presbytery. And therefore he procured this unjust sentence against him. The said *George* continued notwithstanding preaching every Lords-day, not knowing that they had deprived him, till they intruded not long after a young man in his place, as vacant by Deprivation.

In the moneth of *July*, *Sir George Hay* Clerk of Register, who was at Court when Chancellour *Setoun* departed, was advanced to that office. So the Bishop of *St. Andrews*, a proud aspiring Prelate, and sundrie others, were disappointed.

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G. Johnstouns letter of excuse.

G. Johnstoun deprived.

Sir George Hay Chancellour.

1622.

An Act
of the Synod
of Fife.

In the Diocesan Synod of *Fife*, holden at *St Andrews* in the beginning of *October*, it was ordained, that Ministers teach no other Doctrine, upon the Lords day afternoon, but some part of the Catechism. This flowed from some directions, given by the King to the two English Archbishops, in the beginning of *August*, to preachers, when Papists and Arminians, poysoning & infecting the people, must not be meddled with in Sermons by invectives, nor the points of Predestination, Election, Reprobation, or the Universalitie, Efficacie, Resistibility or Unresistibility of Gods Grace, be taught, in any popular auditories. But this Act of the Synod was not, so far as I understand; obeyed.

Mr A.
Duncans
Letter to
the Bishop
of St Andrews.

Mr Andrew Duncan sent this Letter following, about the end of *October*, to the Bishop of *St Andrews*.

My Lord, it might be supposed, that seeing I have been so many years under censure of banishment and imprisonment, I might now at last, in my old dayes, look for some pitie and ease: And so much the rather, in respect that favour is now extended to the enemies of the Truth, and the State; commandment being given out to set them at large out of their Wards and Prisons. We that are Christs servants and Ministers then might be worthily blamed, if we expected lesse, then these have already obtained. I must therefore request, it would now at last please you not to trouble me, although I go and serve my Master in that calling, he hath set me in. King *Adoni-Bezek's* judgement should affray merciless soules. Hall binks are sliddery, ye know, and earthly Courts are kittle, and Kings minions are set upon high skelfes, but slippery and dangerous. I have seen one right high mounted in your room and course, that got a foul and shameful fall. Pitie your poor soul, and look up to him that can do this, the Mightiest. I beseech you, remember ye have overthrown my poor estate. But what matter of that, you have hindered Gods work to be done in many places. The Lord of heaven give you remorse. I beseech you, as you tender your own salvation, play no more the burrio upon your Brethren, that is the Devils part. Return, Amend, and disappoint many. If ye pertain to God, these lines will do you no evil. God make you seek mercy, and amend.

Anstruther the 23. of *October*. 1622.

I beseech you for an answer with the bearer.

Tours to be commanded in all good, Andrew Duncan,
Minister of Christ Jesus at Crail.

The hard hearted Bishop wrote this answer at the end of the Letter.

Brother, I am sorrie to see you insist in your follies. Our Kirk hath no need of such Spirits, specially at this time. Ye shall do well to be quiet, lest ye fall in the hands of worse burrioecs, than I have been. I minde to die without remorse for any thought, or deed I have ever had, or kithed to you, or any of the Brethren. I return you your own Letter to feed upon. Farewel.

To *Mr Andrew Duncan* Minister, at *Anstruther*.

The Kings
Declaration
against
Papists.

Upon the 14 of *November*, the King sent down a Letter, wherein he declared, that howbeit for certain causes of Estate, he had given freedome to

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some imprisoned Papists in *England*; yet it was never his minde to give libertie of conscience to Papists: far lesse occasion to Puritans thereby to repine against his Lawes. And therefore it was his will, that the Law should be put to execution without delay against both *Papists*, and *Puritans*, that both may be brought under obedience to the Lawes. The Kings minde, concerning the Papists and recusants in *England*, imprisoned for Religion, may be collected from this letter following, directed by the Lord Keeper to the judge.

After my very heartie Commendations to you.

His *Maj.* having resolved out of deep reasons of State, and expectancies of like correspondences from forreign Princes, to the Professours of our Religion, to grant some grace and connivance to the imprisoned Papists of this Kingdom; and commanded me to passe two writs under the great seal, for the same purpose, requiring the judges of every Circuit to enlarge the said prisoners, according to the tenor and effect of the same. I am to give you to understand from his *Maj.* how his Royal pleasure is, that upon your receipt of the said writ, ye shall make no niceness nor difficultie to extend this his princely favour to all such Papists, as you shall finde imprisoned in the jayels of your Circuit, for any their recusancie vvhathsoever; or for having, or dispersing, of Popish books; or for hearing of Masse, or any other part of recusancie, vvhich doth concern Religion only, and no matter of state, vvhich shall appear unto you to be meerly and totally Civil or Political. And so I bid you most heartily fare vvell. *Westminster Colledge*, this second of *August* 1622.

Your assured loving Friend.

JO: LINCOLME. C. S.

Upon the 13. of *December*, the Provest, Bailiffs and Council of *Edinburgh*, vvere challenged by a Letter from the King, for admitting *Mr. Robert Boyd*, vvhich had been many Years a Professor at *Saumur* in *France*, and here at home of late at *Glasgow*, to be Principal of their Colledge; and commanded them to urge him to conform, or else to remove him. They sent to Court to the Courtier, vvhich sent the challenge in the Kings name, and desired him to intreat his *Maj.* not to take in evil part *Mr. Robert's* admission, in respect of his gifts, and peaceable disposition.

Upon the fourth of *Januar*, the Bishop of *Glasgow*, and *Mr. John Cameron*, sometime a Professor in *France*, but then a Professor at *Glasgow*, with their Associates, examined *Mr. Robert Blair*, one of the Regents of the Colledge of *Glasgow*, upon some of his dictats to his Schollars, when he was teaching the Ethicks and the Politicks. *Cameron*, hating him for his sinceritie, searched out of his dictats matter of accusation against him. They accused him of two points. *First*, that he had taught, that the people did well, in rescuing *Jonathan* out of the hands of *Saul*: which he did not deny; but would have expounded himself thus, that they had not done well to rescue him by force of arms: But he was not suffered to expound himself. *Next*, that he should have taught, that Election was better than Succession: But was not suffered to expound himself; but they sent up his deposition to the King. When he per-

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The King offended at M. R. Boyds admission.

1623.

M. R. Blair argued.

cieved

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Mr D.
Dicksons
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ceived whereto their malice tended, he quit his place. But *Cameron* was so misliked by the people, that he was forced likewise to quite his place not long after.

My Lord *Eglintoun* and the Town of *Irvine*, after long dealing, obtained liberty to *Mr David Dickson* to come to *Glasgow*, either to satisfie the Bishop within three moneths, or else to return to his ward. The Moderator of the Presbytery, and Provost of the Town, collected this to be the meaning of some of the Bishops, after Conference with them, that if *Mr David* would clear himself of declining the Kings Authoritie, and the injurie done to him, they would not quarrel him for their part, nor trouble him for the Ceremonies. Lest the Bishop of *Glasgow* should take advantage of the incommoditie of the Winter, and fashery to return back to his Ward, he left his familie at *Turreff*, and came to *Glasgow*: Where, in presence of My Lord *Eglintoun*, he rehearsed the motives of his coming, and the promises made to him by his friends, in the Bishops Name. The Bishop said, he would deal no more with him but by writ; because he had the rest of the Bishops to satisfie. But the true cause was, that if he got any advantage, he might have it extant in writ. *Mr David* draweth up an Apologie of his Declinature, at the desire of his friends, in gentle termes: Because they condemned him of rigiditie. Yet was the Bishop impatient when he read it, and said, he looked for a Confession of a fault, and not for an Apologie; and sent back a froward answer with the Ministers of *Glasgow*, who presented the Apologie in his Name, upon the tenth of *Januar*, the same day of the Moneth, that the Declinature was given in before the High Commission, the year preceeding. *Mr David* resolved to draw up a number of Copies, and caused come to the Bishops ears, that the Countrey should understand, that he had given Satisfaction touching the Kings part, and had submitted himself, as far as any of his minde could be required to do. Night and day for twentie dayes together, was he tempted by *Mr Cameron*, by Brethren not conform, by Noblemen and Gentlemen that favoured him, to take up the Declinature, till they were wearied, and the Bishop out of hope to prevail. So he went back to the place of his Confinement, and remained there till the Prince went to *Spain*. Then the Bishops and others, who were forward to advance the Kings course, were ashamed, because they saw they could not cover it any longer. My Lord *Eglintoun*, and the Town of *Irvine*, continued soliciting the Bishop, till at last he gave My Lord *Eglintoun* licence to send for him, and promised that he should stay, till the King challenged him. So *Mr David* returned to his Flock about the end of *July*.

The English service in the New Colledge.

Upon the 15. of *Januar*, *Mr Robert Howie*, Principal of the New Colledge of *Saint Andrews*. Doctor *Wedderburne* and Doctor *Melvin* were directed by a Letter from Doctor *Young*, in the Kings Name, to use the English Liturgie, morning and evening in the New Colledge, where all the Students were present at morning and evening prayers: Which was presently put in execution, notwithstanding they wanted the vvarrant of any General Assembly, or of any continued practice of the form, in times bypast since the Reformation: But such was the iniquitie of the time, that the authoritie of our General Assemblies, which were worn out of use, and the customes of our Kirk, were not regarded by temporizing Ministers.

M.R. Boyd displaced.

Upon the last of *Januar*, the Magistrats and Council of *Edinburgh*,

were

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were commanded of new again, to urge *Mr Robert Boyd* with conformitie, and if he refused, to remove him, his wife and familie out of the Town. The Kings words, answering to their former Letter of recommendation, were these following. *On the contrarie, we think his bidding there will do much evil: And therefore, as ye will answer to us on your Obedience, we command You to put him, not only from his Office, but out of your Town, at the sight hereof; unlesse he conform totally. And when ye have done, think not this sufficient to satisfie our wrath; for disobedience to our former Letter.* *Mr Robert* was sent for to the Council, and the Kings will was intimat to him, which they professed they would not withstand. *Mr Robert* did quite his place, and took his leave. He was chosen Principal of the Colledge the 19. of October before. The Ministers of *Edinburgh* envied him for his not conformitie, and the applause he had for his gifts, both in Pulpit and Schools: But especially *Mr Andrew Ramsay*; because sundrie Noblemen; Lawyers and Countrey Ministers, who came upon occasion to the Town, resorted frequently to his lessons in the Schooles, and Sermons in the Kirk; who did not the like to him, when he taught in the same Colledge, and vvas novv preaching in the same Kirk. When the Bishop of *Saint Andrews*, at a Conference vvith the Ministers of *Edinburgh*, vvas commending them for the harmonie that vvás among them. *Mr Andrew Ramsay* answered, but there is one string out of tune, meaning *Mr Robert Boyd*.

Upon the 19. of *Februar*, the Prince embarked at *Dover*, and went through *France* to *Spaine*, accompanied only with the Duke of *Buckingham*, his Secretar *Mr Cottington*, *Mr Porter*, and some others of smaller note. The vvhole Professors of the true Religion in *Britan* vvere astonished, and feared alteration, both in the state of the Kirk, and Commonvealth. The formalists themselves vvere novv ashamed of the liberal Commendations they had given in former times of the King. The Prince's arrival, his carriage, & the carriage of his companie, during the time he vvás in *Spaine*, I omit, as things not well knowvn to many. When others vvere silent, and ashamed of their conformitie, because of the great appearance of the match vvith *Spaine*, and bad effects likely to follow upon the same; yet *Mr William Forbes*, more popishly disposed than the rest of his Colleagues, upon the 29. of *April*, inveighed bitterly against those, that would not Communicat with their kneeling Ministers, or found fault with kneeling at the receiving of the Sacramental elements, and against those that informed the people either by word, or writ. Yet used he no Reasons in pulpit, nor ever set pen to paper for defence of the controverted Ceremonies.

The Prince
goeth to
Spaine.

Upon the 19. of *May* there was a Proclamation at the market crosse of *Edinburgh* by sound of trumpet, whereby was intimat whom his *Maj.* appointed to sit every week twice, for hearing all grievances of his Subjects, who had suffered wrong under the pretence of the Lawes. This Commission took no effect: Yet it served to feed the conceit of the people, for the present discontented, at the apparént match with *Spaine*.

A Commis-
sion to hear
grievances.

Upon friday, the 20 of *June*, the Kings picture in the hall of the palace of *Linlithgow* fell, and brake in piecés.

Upon the 13. of *October*, upon advertisement that the Prince was

The Prince
returneth
from Spaine

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A meeting
for electi-
on of a Mi-
nister.

returned out of *Spaine*, the Ministers of *Edinburgh* convened, and appointed *Mr John Gutrie* to preach in the great Kirk afternoon, that the people might convene, and give thanks unto God. After Sermon there was shooting of Ordinance, ringing of Bells, setting-on of Bonfires.

Upon the 18. of *November*, there was a meeting of the Old and New Council of *Edinburgh*, for leeting of three Ministers to be heard, and thereafter one of them to be chosen to the vacant place. The whole honest inhabitants were warned upon the Sabbath-day immediately proceeding out of the pulpits, to come to the said meeting. But when they convened, *Mr Thomas Sydeserf*, Moderator for the present of the meeting, desired, that no man there should be proponed, but such as might be had, viz. conform Ministers. Before the reading of the Rolles of the Council and Session, *James Cathkine* Stationer, and one of the Masters of the Hospital, objected that there was no necessitie of a leet for a vacant place, seing *Mr Andrew Cant* was orderly and formerly called and chosen by common consent, both of the Kirk Session, and Council Old and New, and of all the Inhabitants that were present at that meeting: And that when *Mr William Forbes* his election was opposed unto by sundrie good Christians, Some of the Ministers themselves put them in hope, that the bringing-in of *Mr William Forbes* would prepare away, for bringing-in of *Mr Andrew Cant*: Yet no travel had been taken to that effect. The Provost *Alexander Clerk* and *Mr Thomas* answered, they had laboured, but could not prevail; the Higher Powers must be obeyed. Then *James Cathkine* replied, that seing there was no libertie nor freedome in leeting or choosing of Ministers, for the present time, he for himself, and in name of others, would protest against any thing that should be done in that meeting, in prejudice of the lawfull Calling of *Mr Andrew Cant*, to the Ministry of *Edinburgh*, and thereupon desired an instrument, under the note of *Mr John Hay* common Clerk; which he refusing, unlesse he were commanded, and the command denied by the Moderator, he asked instruments in the hands of a notar publick there present.

Patrick
Scot his
shifts at
Court.

Patrick Scot, a landed Gentleman beside *Falkland*, having wasted his patrimonie, had no other meane to recover his estate, but by some unlawful shift at Court. He set forth a recantation under the name of a banished Minister, *Mr David Caldervood*, who, because of his long sickness before, was supposed by many to have been dead. The King, as he alledged himself to some of his friends, furnished him the matter, and he set the matter down in forme. This course failing, he went over to *Holland*, and sought the said *Mr David*, in sundrie Townes, specially in *Amsterdam*, in the moneth of *November*. It appeareth, his purpose was to dispatch the said *Mr David*. After he had stayed at *Amsterdam* 20. dayes, and made diligent inquirie, he was informed, that the said *Mr David* was returned home privatly to his own native Countrey. How he cused a distressed Englishman after his returning, I passe by. After the death of King *James*, he set out a Pamphlet full of lies, entituled, *vox vera*; but as true as *Lucian's vera Historia*. Notwithstanding of all his godless and unlawful shifts, he died soon after, so poore, that he had not wherewith to bear the charges of his burial. But it behoved the Bishop of *Ross*, being then

present

present where he departed, to bear the charges: for the good service he had done to the King and the Bishops.

Upon the 23. of *March*, the Council, Session and Citizens of the Town of *Edinburgh* convened, according to the ancient custome, which hath been observed as a preparative before the Communion. According to this custome, the Ministers removed themselves willingly, that if any man had any thing to object against them, they might utter their mindes freely. After they were removed, and the Citizens were asked thrice what they had to object, *John Dickson* Merchant & Fleisher, directing his speech to the Provest, answered, *My Lord*, there soundeth an uncouth voice in our pulpits, which we never heard before: *Mr Forbes* affirmeth in his Doctrine, that we, and the Papists may be easily reconciled, in many of the heeds controverted betwixt us and them. This is contrair to that, which others of them have affirmed, to wit, that there can be no agreement betwixt us and the Papists, more than betwixt Light and Darknes, betwixt Christ and Belial, betwixt the Kirk of God and Idols. This, *My Lord*, would be taken heed unto. *John Fleeming* Merchant added, that *Mr Forbes* affirmed, that the Papists and we might be easily reconciled in many of the heeds controverted betwixt us and them, but specially in the heed of Justification. *David Aikenhead*, afterward Provest, alledged, that it appertained not to that place, to meddle with their Doctrine; if any man had any thing to object against their Doctrine, let them come to themselves privatly, and admonish them. *James Cathkine*, Merchant and Stationer, answered, That his speeches were uttered in publick; and therefore should be challenged publickly. *Mr John Hay* Clerk said, It was not formal proceeding; he was a Clerk, and should know formalitie. *Thomas Mackallou* answered, that he was a Clerk also, and some what before him, and that he thought the uttering of uncouth novelties, in publick from such a place, should be likewise delated publickly. *Mr John Hay* replied, That there was a great difference between Him, and the said *Thomas*, and that he was a hote little man. He answered, that he knew no difference, but that the said *Mr John* was a meekle man, and he was little. *Mr John* threatened he should cause the Secretar take Order with him. He answered, he believed the Secretar would not follow his direction. *David Aikenhead* and *Mr John Hay* still insisted, alledging that the place was impertinent. *John Hammiltoun* Apothecarie riseth up, and saith, *My Lord Provest*, this is a matter of great consequence, it should not be easily passed over without farther trial. That the truth may be cleared, and they, who are offended, satisfied; it were good to have the judgement of the rest of the Ministry, who, having taught the contrarie, cannot but be careful to vindicat the truth from error. This Advice was followed. *John Ingles* Merchant was directed to *Mr Forbes*, to will him not to take it in evil part to stay a little, while he were sent for, and to desire the rest of the Ministers to come in. He answered in great passion, go tell them, I will not dainzie to come to them: and with that hasteth to his house. The rest of his Collegues were not a little displeased, that they were holden so long at the doore. When they returned, it was told them, what exception was taken at

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Mr Forbes his Doctrine, and that it was of such consequence, that they thought it meet to have their advice and judgement, how to deal in it. The honest men looked for their assistance; but they took it for a common cause; touch one, and touch all: And answered the people, they had not power to judge of their Doctrine. And albeit they removed willingly, that was done more for custome, then to subject themselves to their Censures. It was replied, that it was a thing very pertinent to Gods people to try Doctrine, they were commanded to try the Spirit. Christs sheep should hear his voice, and not follow the voice of Strangers. The men of *Berea* tried *Paul's* Doctrine, and conferred it with the Scriptures. They took not upon them to censure; but only craved their judgement, how the matter should be tried, and the Person, if found guiltie, censured. But the honest men could obtain no good answer of them, such was their pride and despite, that any of their number should be called in question. Then they went to another purpose. *James Cathkine*, craving audience, said, *David* saith in the 122. Psalm. *I rejoiced when they said unto me, let us go to the house of the Lord.* Let us have the Communion celebrat after Christs Institution, that we may likewise go to the house of the Lord rejoycing. The Ministers gave no answer. Then said he, We may turn the word, & say, with sorrowful hearts *May we go to the house of the Lord.* *John Meene* merchant, having craved licence of the Provost to speak, said, it was desired that time twelve moneth, that there might be a way found, that the rent might be taken away. I pray you, let us have the Communion after the old manner, that we may communicat all together, and so the rent shall be taken away. See that now, saith *Mr Andrew Ramsay* laughing. Sir, are you laughing, said *John Meene*, when we out of the grief of our hearts are pouring out our complaints to you; ye will answer to God for that. Nothing could be obtained of the Ministers, but quarrelling at their informality, in that they did not first admonish *Mr Forbes* privatly. But it was answered as before, that a publick offence craveth a publick rebuke: And yet they had only sought their judgment, and advice how to handle the matter. The Ministers never made intimation to the people after this day, to convene upon the Tuesday before the Communion, which was a custome observed since the reformation, and for good ends, to try variances among neighbours, and to remove all eye-lasts, which the people apprehended, or perceived in their Pastors; or causes of discontentment, which the Ministers might conceive at the people. The people never took upon them the judgement of jurisdiction, to censure any of their Ministers for their Doctrine. Yet according to the judgement of discretion, which all good Christians ought to have, in trial of Doctrine, it was permitted to them to declare freely what offended them. And yet this simple judgement of discretion cannot the new Ministers endure patiently.

Upon Thursday the 25. of *March*, Doctor *Forbes* in the Session denounced heave judgements against some of the Elders and Deacons, because they refused to attend upon the Celebration of the Supper. To *John Dickson* he said, ye want wit, ye should be catechized, ye are an ignorant, and get too much libertie to censure the Doctrine of your Pastors. *James Nearne*, ye must be catechized. ye are an ignorant, a recusant, ye should be punished, ye are a bairne, howbeit ye have hair upon your face, and must be catechized. To *John Smith*, ye are

a bairne,

hairne, ye should not speak, but be catechized. To *William Rigg* Bailiff, ye are a debauched vagerer, ye should be catechized. The Bailiff answered, he had been Catechized by very honest, worthie & learned men, of whom some were with the Lord, and some were yet alive. *Mr Forbes* replied, he was learneded then any of them, and would Catechise them that Catechised him; they were but mercenarie men and pensioners. Bring out your *Gamaliel*, said he; produce him, if ye have any in your house, that we may see him. The Bailiff answered, they were frier of these imputations, than himself. O master Bailiff, said he, O master *Rigg*, a great Magistrat, O a great Clerk. In end he bad them all come down to the *Magdalen Chappel*, that he might Catechize them, and threatned they should smart. Many moe speeches he uttered, as if he had been bereft of his wits, for calling his Doctrine in question at the publick meeting two dayes before. Yet durst he never urge a trial of the words, which were laid to his charge; but out-faced the matter with threats and brags. And for all his brags could he never produce sufficient Reasons for their Communion, profaned with confusion and disorder, and polluted with Idolatrie & Superstition.

The Ministers, specially *Mr William Forbes* & *Mr Thomas Sydes*, were vehement in their invectives against the people. *Mr William Struthers*, in a Letter sent to the Bishop of *St Andrews*, had these words, *Although we vvere trode under foot by our people, vve have none to vvyte, but your Lordship: For vwhen vve meaned ourselues to your Lordship before, in the like case, vve got little mends, and your Lordship kithed very partial toward them in their favours. Therefore although they should carrie themselves never so undutifully towards us hereafter, vve are not minded to make our moan to your Lordship thereunto.* Yet was he accusing by way of preterition, as pithily as he could. The rest of the Ministers likewise, in their general Letter to the Bishop, requested him to purchase their demission out of *Edinburgh*, from the King. This request imported a very grievous complaint. In the mean time they never challenge *Mr Forbes*, for the words laid to his charge, nor suffer him to be ried for the same; wherein they bewrayed great corruption.

The King, being incensed by information, sent either from the Ministers of *Edinburgh* themselves, or from *Mr Patrick Gallovay*, or from the Bishop of *St Andrews* in their name, sent down a direction to a select number of the Secret Council, to try the behaviour of some Citizens, at the meeting holden the 23. of *March*. So upon the last of *April*, *William Rigg* Bailiffe, *John Dickson* Flether, *John Hammiltoun* Apothecarie, *Joseph Millar* Advocat, *John Meene* and *William Simpson* Merchants, were charged every one severally by a Macer to compear before the Lords of Council, appointed for the trial, viz. Chancellour *Hay*, the Earle of *Marr* Treasurer, Secretar *Hammiltoun* Earle of *Melros*, Sir *William Oliphant* the Kings Advocat, the Bishop of *St Andrews* and the Bishop of *Dumblane*.

They compeared afternoon before these selected Counsellours, and *William Rigg* Bailiffe was first called on. The Chancellour demanded, if he affirmed, that the place where the meeting was holden, was a meet place, and the Persons there convened fit Persons, to judge of their Ministers Doctrine. He answered, we convened according to a laudable custome, which had been observed by the Kirk of *Edinburgh*, ever since

The Ministers complain of their flock.

Six of the citizens of *Edinburgh* cited before some Counsellors.

*William Rigg*es deposition.

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the Reformation; which meeting before the Communion was thought very needful, to remove jars falling among the Ministers, or among the people, or betwixt the Ministers and the people: For which cause the Sabbath preceeding we were all publickly warned from the pulpits, by the Ministers themselves, before noon, to resort to the east Kirk. As to the Second point, he answered, that it became every Christian to have the judgement of discretion, whereby he may discern, whether that, which is delivered, be agreeable to the truth, or no, as the *Bereans* did. We are commanded by the Apostle *John 1. Epist. 4. Chap. not to beleve every Spirit, but to try the Spirits, whether they be of God, or no*. As for my Brethrens part, I thought they had very good Reason to utter their regrates and complaints in that place, for the uncouth Doctrine, which was not wont to sound out of our Pulpits; albeit now often delivered by some of our Pastors: And that Ministers might be demanded for a reason of their Doctrine, and, in cases needful, might be admonished by their people; both which *Mr William Struthers*, Moderator of the meeting, seemed to decline. Sundrie speeches past betwixt him and every one that was present. But this was the substance of his answer to the Chancellour. While he was removing, the Chancellour called him again, at *St Andrews* his desire, as appeared, and asked if he was one of them that desired the Communion to be ministred after the old manner? He could not call suddenly to minde, whether he had, or not: Yet because he approved the motion in his heart, he resolved rather to confesse that he did. So he answered, *my Lord*, I think I did. The Chancellour asked again, did ye? He answered again, *my Lord*, I think I did. The Chancellour caused the Clerk to write his deposition, and so he was removed. The truth is, he spake no such words at that meeting, and was no sooner removed, but he began to call himself to remembrance, and resolved to clear himself, if he were called in again: But he was not called. The Bishop had a minut of interrogatories for every one that was to be examined, furnished, no doubt, by the Ministers of *Edinburgh*, who understood best how to examine every one of them particularly.

John Dick-
son's depo-
sition.

John Dickson being called in, the Chancellour asked, what were the words he uttered concerning *Mr Forbes*, at the meeting in the Little Kirk. After he had repeated the words, the Chancellour said, ye speak these words to us now calmly; but ye were full of hatred and choller, when ye spake at that meeting. He answered, *My Lord*, no more then I am now; and no man that heard me, will say otherwise. But ye separat your self from the Kirk, said the Chancellour. He answered, *My Lord*, I never separated my self from the Kirk, nor never thinks to do. I know there is no man nor woman living but they are sinful, nor any Kirk so pure, but there are some faults in it. As for myself, I had rather live in the Kirk of *Scotland*, than in any other Kirk. I know, saith the Secretar, ye have been entised by some to challenge your Pastor. He answered, *My Lord*, the Doctrine being flat contrarie to that which I have learned, and publickly delivered, moved me to speak, when I heard the Clerk demand thrice, if we had any thing to lay to the charge of our Pastors, in Doctrine, Life or Conversation. Being asked, if he desired the Communion to be ministred according to the old form, he answered, I wish for myself it had been so: But I made no mention of it.

John

John Meene was called on, and the Chancellour asked, what was his part upon the Tuesdaies meeting. He answered, *My Lord*, my part was very little. I desired the Communion to be ministred after the old manner. Why no Sir, said the Chancellour? Why no Sir, said the Secretar? Smiling and laughing, why should ye not be served according to your Humour? Then said *St Andrews*, *John Meene* is one of those that keep privat Conventicles. He keepeth a Brownist Minister in his house, teaching, and keeping conventicles. *John Meene* directed his answer to the Chancellour, and said, *My Lord*, he never taught in my house: But I wish at God there were moe preachings and prayers then there are. Have ye not as good teachers as are in the Land, said the Chancellour; may you not be served with your own? These men ye hear and follow, preach to you by the Spirit of the Devil, said *St Andrews*. I would not for all the world that were true, answered *John Meene*. Then the Bishop, directing his speech to the rest of the Lords, said, I was once set upon the brownist Minister in his house, but narrowly missed him. He is now dead in *Ireland*: We are all well quite of him. He meant *Mr Hubert*, an English preacher. Have ye any more to say, said the Chancellour. He answered, when *Mr Ramsay* was laughing and sporting at us, I said, Sir, ye will answer to God for that. Yea, Sir, said the Chancellour, when your Minister smileth, will ye call him before Gods judgement seat for that. He answered, if it were not for respect to that judgement seat, I would go as far on in their way, as others do.

John Hammiltoun was called on, and to him it was objected, that he called *Mr William Forbes's* Doctrine poysonable; and so had censoriously and presumptuously, condemned him of Heresie, before either he was heard, or condemned by a lawful Judicatorie. He answered, *my Lord*, please your *Lordship*, I called not his Doctrine poysonable. I shall declare to your *Lordship* what were my words, in what sense, and upon what occasion uttered. That point which then was questioned, anent the easie reconciling of the controversies betwixt us and the Papists, and namely the point of justification, was to many of Gods people in the Congregation scandalous, as directly contrarieto the Doctrine delivered by *Mr William Struthers* upon the same matter, about the same time, & smelling of too great partiality to Papists and Papistrie, at these times specially, when Papists are daily abounding among us, and Popery increasing; vvhhen Gods people cannot be vehemently enough inflamed to the hatred of that Spiritual *Egypt* and vvhorish *Babylon*; some honest hearted and zealous Christians humbly and in all modestie craved, that this offence might be pondered and considered by the rest of their Pastors, and their Consciences satisfied anent this scruple. It was answered, it became you not, who were the flock, to meddle with your Pastors Doctrine, or to censure them in points thereof. Then I directed my speech to my Lord Provest, and said, *My Lord*, it is very important for us to try our Pastors Doctrine, & to enquire in the soundness & integritie thereof, as I may clearly illustrat by this similitude. If your *Lordship* had need to imploy me, or any other, to give your *Lordship* physick, should not your *Lordship* have very good reason to try the potion, whether it be good and wholesome Medicine, and not poison? Evenso have we need to try, that the Doctrine of our Pastors, which is the physick of our soules, be that good and vvholesome Medicine of the

sincere

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John
Meen's de-
position.John Ham-
miltoun's
deposition.

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Joseph
Millar's de-
position.William
Simpson's
deposition.Confe-
rence be-
twixt the
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ber.

sincere milk of Gods word. This was all I spoke, and most humbly submit myself to your *Lordships* censure, if I spoke any thing, but that which all faithful Christians will subscribe unto, and which I may justify by expresse Scripture, as where it is said, 1 *Epist. Joh. 4. Chap. v. 1. Beleeve not every Spirit, But try the Spirits whether they are of God. The Bereans* are commended for searching the Scriptures, to know whether these things, which *Paul* spake, were so or not.

Joseph Millar Procurator was called on, & demanded by the Chancellour what was his part. He confessed he was present, and had been present at many such meetings, many years before; that answering to *David Aikenhead*, he approved the answer given to him before by others, to wit, that publick faults craved publick admonition. The Chancellour taunting demanded, if he was there as Procurator for *John Dickson*. He answered, he was not there as Procurator for him, or any man, but as a neighbour and inhabitant with the other honest men. Then the Chancellour, at the Bishop of *St Andrews* suggestion, demanded, if when the Provest commanded him silence, he answered, My Lord, it is not relevant, give me leave to speak the truth? He answered, neither did the Provest enjoin me silence in particular; and if he had, I would have satisfied his *Lordship* with a more seemly answer. When *Mr John Hay* Clerk interrupted him at that meeting, when he was to speak, upon some occasion, saying, *Joseph Millar*, are ye come to make sedition? he answered, I meant nothing lesse.

William Simpson was called on; what he deponed I have not learned: But sure it is, he spake very little at the meeting; only objected, that *Mr Patrick Galloway* came seldome to the Kirk.

Every one deponed the truth for their own part ingenuously, and simply; whereas if they had looked for any advantage to be caught of their words, they might have referred them to probation. But because they had not received any libelled Summons, they were the readier to relate every one their own part. None of the Magistrats or Counsellours, who were present, and ear witnesses, could improve any thing they said. *William Rigg* confessed more then he needed. Whereupon he went the day following to the Clerk to have his deposition amended. But it had been directed already to the King.

Upon the seventh of *June* the King directed the abovenamed Counsellours to deprive *William Rigg* of his Office, to fine him in fifty thousand pounds, to ward his Person in *Blackness* Castle, till the summe were payed, and after to confine him in *Orkney*. This course was devised to the King by the Bishop of *St Andrews*, or the Bishop of *Dumblane*, or both, as is reported: Because they gaped for the fines, or some budds. When the Lords perceived how rigorous the Kings direction was, and began to apprehend whereto such a preparative might tend, they would deal no farther in that matter by themselves, but brought it before the Council. So they were cited to compear before the Secret Council, the tenth of *June*. To prevent the sentence, *William Rigg* caused the Clerk form a bill, vvherein he referred himself to the Testimonie of the Ministers themselves, and others that were present at that meeting, that he uttered not that which he confessed doubtingly, the day before.

Upon the 9. of *June*, the Provest, three Bailiffs, the Dean of guild *John Sinclair*, *Gilbert Kirkwood*, and some others of the Town-

Coun-

Council, and the Ministers, convened together. *John Hammiltoun* and *John Dickson* were challenged by their Ministers, for frequenting privat preaching and praying in Privat Meetings, and for having and reading of seditious Pamphlets, set out against them and their proceedings, and were posed upon their Conscience, whether they were guilty, or not. They refused to answer; and said, they were desired to come to that present meeting, to declare, that at Tuesdayer meeting they had no malicious purpose against their Persons, much lesse a purpose to disgrace their Ministry. *John Dickson* said farther, he knew not wherein he had said wrong. If he had erred in the form, he wished to have knowvn how to have done it better, and that he had gone privately to *Mr Forbes*; which he would have done, if he had thought the other course would have bred any offence. This answer gave occasion to the Ministers to travel farther with him afterward. Yet *Mr Struthers* said, if *John Dickson* charge not *Mr VWilliam Forbes* with affirming, that the Papists and we may be reconciled in all the Controversies, it was no accusation. So he both cleared *John Dickson*, and said *Amen* to *Mr Forbes*. *John Hammiltoun* said, there could be no wrong in answering so lawful a demand in time and place, and namely, in a matter of so great importance. After they were both removed, *VWilliam Rigg* satisfied the Ministers, as seemed. When they were called-in again, the Provest asked, if they would not desire the Ministers to interceed for them. They are our Pastors, said *John Dickson*, if they will not deal, let them do as they list. We will request them, said *John Hammiltoun*. Whereupon they rise, and interchange familiarly some words. The honest men thought they were satisfied, and expected they would interceed for them.

Upon the tenth of June, five of the honest men compeared before the Council. *Ioseph Millar* at the intercession of some friends was not cited. The Provest, Bailiffs and Ministers were warned to be present. *Mr Patrick Galloway*, as mouth to the rest, in his harangue before the Lords, shewed that his *Maj.* had written to him twice; to encourage the Brethren, desiring them to take in patience the injurie, which they had received at that meeting; for he would take order with it. As for ourselves, said he, we desire only, that our Ministry may by your *Lordships* be made peaceable, or else that we may have a peaceable departure. This was rather an accusation than an intreatie or request: For it might import; that unless order were taken with all the rest, except *VWilliam Rigg*, for vvhom he seemed to intreat in particular, they could not brook their Ministry in peace. He alledged *VWilliam Rigg* had given full satisfaction, had promised quiet behaviour in time coming, and confessed his oversight; which was not true. After they were removed, *Mr Patrick* confessed to the Provest and Bailiffs, that he knew not vvell vvhath he had said before the Council. When they were called again, the Kings direction against *VWilliam Rigg* was mitigat, and he was ordained only to keep his ovvn house, till he should hear farther of the Kings will. In the mean time they absolve him from that, for which the King would have had them proceeding against him to the rigour, & withall wrote to the King in his favours. *Iohn Dickson* and *VWilliam*

The sentence given out against the Persons cited.

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Simpson were ordained to enter in the jayle of *Edinburgh*; *John Meene* within the Town of *Elgine*; *John Hammiltoun* within the Town of *Aberdeen*, and wherefore? For riot and misdemeanour forsooth at the meeting. Howv this vvas qualified the Reader may easily perceive.

A proclamation
against pri-
vat meet-
ings.

The Ministers of *Edinburgh* alledging before the Council, that they could have no peace with the people, so long as other Ministers specially the deprived, and silenced, resorted to the Town, and keepest privat Conventicles, a charge was given, which was published the day following, that none take upon hand to meet or convene in any ~~privat~~ house or place to any Preaching, Exhortation, or such Religious Exercises, except those of the familie, or their friends resorting for laudable causes, to eat or lodge within the same; that they attempt not to impugn by discourse or disputation, by word or writ, the true Religion, or lawful Discipline of the Kirk, approved and authorized by the Lawes; or slander his *Maj.* with false suggestions, as if he persecuted the Professors of the true Religion. In the narrative it is alledged for a ground of this charge, as followeth, We have of late known to our unspeakable grief, that a number of our Subjects, some of them misled by the turbulent perswasions of restlesse Ministers, either deprived from their functions, or confined for just causes, or such as leave the due conduct of their own flock, to debauch and seduce their neighbours, many affecting hypocritically the glorie of puritie and zeal above others; and some corrupted by the bad Example of the former, have casten off the reverent Respect, and Obedience that they owe to our Authoritie Royal, & to their Pastors; contemned and impugned their Doctrine, disobeyed and controlled their ordinary Discipline, abstained to hear the word preached, and to participat of the Sacraments ministred by them in their own Parish, and have disorderly strayed to other Congregations: And in end numbers of them have assembled themselves in privat houses, in *Edinburgh* & other places, to hear from intruding Ministers, Preachings, Exhortations, Prayers, and all sort of Exercises, fitting their unrulie fantasies, many times at the very ordinarie houres, when their own Pastors were, according to their lawful callings, preaching in their Parish Kirks: Likeas they have assumed to these their seditious Conventicles the name of Congregation, and done what in them lyeth, falsly to imprint in the hearts of our people a perswasion, that we persecute the sincere Professors of the true Religion, and introduce corruption in the Church Government. And calling to minde, that in our own, and in our Fathers age, such pernicious seeds of separation, & singularitie of blind and fained zeal, have brought forth damned Sects of Anabaptists, Families of love, Brownists, Arminians, Illuminats, and many such Pests, enemies to Religion, Authoritie, and Peace; and occasioned the murder of millions of people, and infinit other disturbances, harmes and confusions, in many Christian Churches, and Estates. In remedie vvhwhereof, & for preventing the dangers, which might ensue by preposterous lenitie, in the cure of so Pestilent and infective a disease, OUR WILL IS &c.

This Proclamation was penned, as was constantly reported, by the Bishop of *St Andrews*. A number of good Christians convened sometimes, when they had occasion of a sound and zealous Minister, to strike

them

them up, in these times of defection; and recommended to God the desolat estate of this poor Kirk: For the pulpits of *Edinburgh* founded all the contrarie way. But that they abstained from hearing the word preached, that they had privat meetings many times at the ordinary houres, when their own Pastors were preaching in their Parish Kirks, or that they assumed to their Conventions the name of Congregation, are meer forgeries. As for the fear of damnable Sects of Arminians, Anabaptists &c. We had an evident proof that day, that the Government of Prelats is a shelter for damnable Sects: For Arminian preachers possessed the most eminent places, & were not only tolerated, but also countenanced; because they maintained in publick Doctrine the power, which our Prelats had usurped.

Mr John Murray, Mr Robert Boyd, Mr John Ker, Mr Thomas Hogg were summoned to compear before the Secret Council the 24. of June. *Mr John Murrays* absence was excused by a hurt he had received by a fall off a horse; but was ordained to be confined within the Parish of *Foulis*, where he was confined before. *Mr Robert Boyd* was confined within the bounds of *Carrick*, *Mr John Ker* within his own Parish of *Saltprestown*, *Mr Thomas Hogg* within the bounds of *Dysert & Kirkaldie*: Because they were suspected to have stirred up the people of *Edinburgh*, to disconformitie to the orders of the Kirk, and to contemne their Ministers; And upon suspicion only without conviction were they confined.

The King rebuketh the Lords of Secret Council, for their lenitie towards the honest Citizens, and commanded them to put in execution his will; and yet again to commit *William Rigg* to *Blackness*: For he assured himself, that he was neither full nor drunken, when he confessed that, which he deposed at his first compearance; and ordained, that he should be deprived of his Office.

John Hammiltoun and *John Meene* travelled with the Ministers to intreat the Council and the Bishops for them. They promised to write to the Bishop: But the Letter was so general and seckless, that the Provost and Bailiffs refused to assist it with their Letter, and the Supplicants themselves could not get a sight of it. They dealt with them for a more particular Letter; but it was refused, and that because they would not promise to Communicat with them. The Lords of Secret Council assured the honest men, that there was no reliefe for them, but by the intreatie of their Ministers. But they behaved themselves like wolves rather than Pastors. The honest men had great reason to refuse to Communicat; because the Kirk of *Scotland* is bound by the Confession of faith to maintain the order of Ministration, which was received in this Kirk, when the Confession of Faith was first subscribed; and was still practised by two parts, at least, of the Congregations of *Scotland*, still opposing to these Innovations. It became every good Christian therefore to oppose so far as he might lawfully.

Upon the 2. of *July* the Lords of Secret Council, to give the King contentment, directed a charge to *William Rigg* to enter his Person in vvard in the Castle of *Blackness*, deprived him of his Office of Bailiarie in *Edinburgh*, and declared him incapable hereafter of any Office vvithin that Tovvn: Which vv as a matter that touched the Liberties of the Tovvn. Yet they made no mention of his fine. *John Dickson & William Sympson*

1624

The Ministers urge execution against the honest men.

The Ministers of *Edinburgh* persecutors of their flock.

The honest men warded, confined, deprived.

1624.

were deprived of their Offices, the first of the Office of an Elder, the other of the Office of a Deacon; and both declared incapable of these, or any other Offices in time coming. It was thought that *David Aikenhead*, *Mr John Hay* and the Ministers devised this Censure, that they might be rid of them out of the Session: For their care was that none should bear Office, either Civil or Ecclesiastical, within the Town, who would not conform, that they might govern as they pleased. *John Meene* was charged to enter in *Elgin of Murray*, the place appointed for his confinement; which he obeyed. *Job Hammiltoun* obtained three prorogations one after another, by moyen of his patients. The King was not content, that *William Rigg* was warded in *Blackness*, but still insisted upon the fine of fyftie thousand pounds, and sent a Letter to the Council in the end of *July* to that effect. He was informed, that he was the chief Ring-leader of the Non-conformitants in *Edinburgh*, and that he contributed liberally to the printing of books, which crossed the course of conformitie.

The Ministers importunate upon the imprisoned The Council of Edinburgh taken sworn for privat conventicles.

The King threatneth Edinburgh with removing of the Session.

Preparation for Christmas.

The Ministers of *Edinburgh* wrought continually upon *John Dickson* and *William Symson*, while they were in the Jaile, till they obtained their promise to Communicat. Yet was not *John Dickson* set at libertie till he fell sick, and then was suffered only to keep his own house.

Upon the 29. of *July*, the Provest, Bailiffs, and diverse of the Council of *Edinburgh*, were warned to come before the Lords of the Secret Council. The Chancellour declareth, that the King was informed, that there were diverse Sects of Religion croppen-in amongst them; as of *Brownists*, *Waterdippers* &c. And that they had their privat Conventicles. They were posed upon their oaths, if they were free of such things; which they gave willingly, and cleared themselves.

At the same time, the King rebuked, by his Letter, the Magistrats and Council of *Edinburgh*, for not regarding his will and pleasure, in giving Obedience to the five Articles, and not holding hand to punish such as refuse to give Obedience: And threatned, that if they were not more careful in time coming, both of the one, and the other, to remove out of their burgh the Session, and all other Courts of justice. The wiser sort understood very well, this could not be easily brought to passe. Yet some Politicians in the Town, who made their advantage of conformitie, and by that mean kepted themselves in Office, when others in a manner were thought incapable in respect of the time, made the simpler sort to apprehend the danger more deeply, than they needed. But a great number was resolved to stand out against conformitie, howbeit the King should burn the Town to ashes.

Immediately after followed a charge, which was proclaimed at the crosse of *Edinburgh*, upon the second of *August*, commanding that the Communion be celebrat in all the Kirks of *Edinburgh* at Christmas next; and that all Persons, as well of the Privie Council, Session, Magistrats of the burgh, as others of the Commonaltie, be present, and Communicat kneeling; otherwise if they failie, declaring that he would remove the Session, and all other Courts of justice, out of the said Burgh. The warding of the honest men, the noise of the great fines that were to be imposed upon them, fiftie thousand pounds upon *William Rigg*, twenty thousand merkes upon *Hohn Hammiltoun*, the fear of removal of the Session, made the King conceive, that all, some few excepted, would conform; and if *Edinburgh* yeelded, the rest of the Countrey vvould follow their

exemple.

exemple. As for the few that would refuse to conform, extremitie was intended against them. Yet the number was greater than the King or his informers did apprehend. It appeared the people were offended at the Proclamation upon monday, that upon Thursday the fifth of *August*, the people convene so rarely, howbeit it was an ordinarie day of preaching, that Doctor *Forbes* doubted whether he should teach or not.

The Chancellour received a Letter from the King, concerning *William Rigg*, urging still extremitie; but it was not read in the Council; because he would have had his friends to use some means for pacification of the King.

It was ordained in Council the 10. of *September*, that all Burghes should be charged by Proclamation to choose conform men, or such as would conform, to be Magistrats, under the pain of incurring the Kings displeasure.

Not long after the Marquess of *Huntlie* came down from Court, and presented the Kings Letter to the Lords of the Secret Council, purchased in favours of three Persons, dwelling beside *Aberdeen*, that the sentence of Excommunication be not pronounced against them; and that the Bishop of *Aberdeen* take no advantage of their horning: For he understood they were kinsmen to the Bishop of *Ross* surnamed *Panter*, who had done good service to his Mother. The Bishop of *St Andrews* receiveth a Letter likewise from the King, willing him to write to the Bishop of *Aberdeen* to that same effect, and to take order with three Ministers that were most earnest against them viz. *Mr Andrew Cant*, *Mr David Forrester* and *Mr John Ross*.

John Hammiltoun after prorogation of three diets, and *John Dickson*, notwithstanding of his yeelding to Communicat, were ordained, the first to enter, the other to re-enter, their Persons in ward in the jaile of *Edinburgh*, conform to a Letter directed from the King; but by information and advice of the Bishops, & their Ministers here at home. So *John Dickson*, notwithstanding of his yeelding to Communicat, had no greater liberty, than if he had not yeelded. The King is not content with communicating, but will have all to Communicat kneeling at Christmas next: therefore the time approaching, he would have them to be committed to the jayl, to strike a terrour in the hearts of others.

While the King is preparing a way for Christmas Communion, by changing the Magistrats, imprisoning & confining honest men, for their not conformitie, and threatning by his proclamations; upon the 28. of *November*, the pest breaketh-up in sundrie houses in *Edinburgh*, to the great terrour of the whole Town. It began in *Paul Hay* a merchants house a moneth before, and was not known till now: Therefore the more dangerous, because hard to discern between the clean and unclean. The Lords of Council and Session, meeting together upon the last of *November*, resolved to rise, and continue the Session till the eight of *Ianuar*; and so the Christmas-Communion was stayed.

Upon the twenty nine of *November*, bonfires were set forth in *Edinburgh*, upon advertisement, that the Articles between the Prince and the King of *France* his sister, were agreed on.

Mr John Hay Town Clerk was sent up to Court by the Town of *Edinburgh*, with sundrie petitions to the King; and after he returned, desired, according to the Kings direction, the vvhole Council of the Town to subscribe Obedience to the Acts of *Perth*. Yet some refused.

1624.

The Kings
wrath continueth
against *William Rigg*.

Papists fa-
voured.

*J. Hammil-
toun* and *J.
Dickson*
warded.

The pest
breaketh
up.

1624.
I. Hammiltoun and J. Dickson let out of Prison.

John Hammiltoun and *John Dickson*, after they had been detained nineteen dayes in the Jayl, were upon their Supplication suffered to come forth, and attend upon their families, in this dangerous time of the plague. *John Meene* for the same Reason obtained libertie to return from *Elgine*, to visit his familie.

The pest breaking up, the Session being dissolved; Lords, Lawyers, Writers, and other inhabitants departed off the Town, Christmas communion was delayed, and King *James* altogether disappointed. Few houses were infected. So that it appeared, that the chief end wherefore the pest was sent, was to scatter the people, that the King might be disappointed.

1625.
A proclamation against forbidden books.

Upon the fourth of *Januar*, there was a Proclamation made at the crosse of *Edinburgh*, making mention, that there were sundrie seditious Persons, who had written certain Pamphlets and Bookes, tending to treason and sedition against the King, which were printed in the *Low-Countries*, and were to be brought to *Scotland*: Therefore commanding all Magistrats of Sea-ports, Customs, Searchers, and other Officers, to suffer no ships, coming forth of the *Low-Countries*, to come within harbours, or any Merchant, or Passenger, to come on land, till the ships were first searched for these seditious Writs, Pamphlets and Books, and that the same be presented to the Lords, to be searched by such as were appointed for that effect. But by the Providence of God, the books were brought out of the ship a day or two before it was searched, & were kept close till the approaching of Easter Communion; to wit, *An Epistle to a Christian brother*, *An exhortation to the Kirk of Edinburgh*, *A dispute against communicating where there was kneeling*, *Confusion of gestures and actions*. The Course of conformity was set forth two years before, and the latine look entituled *Atare Damascenum*; and two other years before, *The Speech of the Kirk to her beloved children*, the *Altar of Damascus* in English, and the *Confutation of Doctor Mitchelsons Reasons for kneeling*. The *Antithesis between the Pastor and the Prelat*, came not to light till four or five years after this.

William Rigg confined.

About the beginning of *Januar*, the Lords of Secret Council gave a warrant to *William Rigg*, who had been detained in ward in the Castle of *Blacknes*, since the 6. of *July*, to repair to his own house, which was distant but two miles from *Edinburgh*, to attend upon his domestick affairs for the space of 40. dayes; because of the pest in *Edinburgh*. But before the 40. dayes expired, it pleased the Council to confine him in his own house in *Fyfe*.

The Session rises again.

Upon the 7. of *Januar*, the Lords of Session sat down to keep Session, and so continued till one of the Senators of the Colledge of justice his servants fell sick, which the Senator himself apprehended to be the pest. But it was thought the Advocats were idle; because the Subjects resorted not to the Burgh for fear of infection: And that therefore the Session dissolved again.

The Marquess of Hammiltoun's death.

Upon the 6. of *March* sure report was brought hither from Court of the Marquess of *Hammiltoun's* death. But for the service that he made at the last Parliament, there was small regrate made for him. The report went, that he was poysoned. Soon after, Doctor *Eglisheime* fled to west *Flanders*, and avouched it in print, and spared not to impute it to *Buckingham*.

About

About this time rose a great discontentment betwixt the Council of *Edinburgh*, and their Ministers; Because they had procured the Kings Letter for augmentation of their yearly stipends. They had more by the half, then their worthie Predecessours: Yet were they not satisfied. The people detested them for their Ambition, Avarice, and Malice at honest men and Godly Professors.

Upon the penult of *March*, by reason of a boisterous and vehement winde blowing in the night, and sea tide rising above the accustomed manner, the ships in the harbour of *Leith* were so tossed, that many of them, dashing one upon another, were broken and spoiled. Some mariners and skippers, rising in the night to rescue them, were drowned. Great harm was done in sundrie parts upon the coast side along the Firth, in *Saltprestown*, *Kirkaldie*, *Culross*, and other parts. Salt pans were overthrown, ships and boats broken, and coal-heughes drowned. The like of this tempest was not heard in this Countrey, in any age preceeding. The day following sure report was brought from Court, that King *James* had departed this life at *Theobalds* upon the 27. of *March*, about the noon tide of the day, fourteen dayes before Easter. The same day Prince *Charles* was proclaimed King betwixt six and seven houres at night. The Chancellour, the Earle of *Marr* Treasurer, the Vicount of *Lauder-dail*, the Earle of *Melros* President and Secretar, My Lord *Balmerinoch* were upon the Crosse, with the heraulds & trumpeters in time of the Proclamation. The Act of Council, making mention of the Kings death, and acknowledging Prince *Charles* to be undoubted Sovereign, with promise of Loyaltie, Fidelity and Obedience, was read, and all that were present bidden hold up their hands in token thereof.

Upon the Lords day following, the Ministers of *Edinburgh* commended King *James*, for the most Religious and peaceable Prince that ever was in the world. *Mr John Adamson* said, King *David* had moe faults than he had; for he committed both adultery and murder, whereof King *James* was not guiltie. *Mr Struthers* laboured with all the art he had, to move the people to tears: But they were not much moved with any thing he said.

King *James* being disappointed of Christmas Communion, through the breaking-up of the pest, resolved to have the Communion celebrated at Easter in *Edinburgh*, conform to the Act of *Perth*, with great solemnitie: But the Lord called for him fourteen dayes before. The honest men of *Edinburgh*, that were troubled, looked for nothing but extremitie. *William Rigg* continued confined in his own house in *Fife*, fearing still to be brought under the danger of the great fine, which King *James* would have to be exacted of him, *Iohn Hammiltoun* and *Iohn Meene* were ordained to enter into their confines. *Iohn Hammiltoun* gave in a Supplication to the Secret Council for Prorogation, which was refused. But the death of the King interveened betwixt and the time that he should have entred; and then neither he nor his fellow-sufferer *Iohn Meene* sought any farther Prorogation: And so an end was put to their trouble at this time. *Mr Robert Bruce* having obtained licence from the Conncil, returned in the moneth of *September* last by past from *Innerneß*, to do his domestick affairs. The conditions of his licence were so strait, that he purposed to go back to *Innerneß*, unlesse the Council granted him a prorogation. The King departing this life, he was not urged to return to his confinement, but continued still teaching where

he

1625.
The Mini-
sters of E-
dinburgh
detested
by the
people.

Prince
Charles
proclaim-
ed King.

The Mini-
sters com-
mendation
of King
James.

The honest
men take
liberty by
occasion of
the Kings
death.

1625.

King James
his fune
rals.

he might have occasion, till *August* 1631. That it pleased the Lord to call upon him: At which time he departed in peace of bodie, & peace of minde, the 77. year of his age, and was honorably buried, accompanied with four or five thousand to the grave.

The funerals of King *James* were continued till the seventh of *May*. The funeral night was so tempestuous with thunder and rain, at *London* and about, that the like passed the remembrance of any living in our times.

F I N I S.

Acts concluded, Articles petitioned by the General Assemblies, and questions solved by such, as were deputed to that effect, not insert in the preceeding Historie.



Have in the preceeding Historie only insert such Acts, Articles, and answers to questions, as belonged to the scope of the Historie, & form of Church Government, some few excepted touching corruptions in the Worship of God, or the Office and calling of Ministers. But because there are other Acts and Articles necessarie to be known, I have selected such as are of greatest use, passing by such as were temporarie, or concerned only temporarie Offices, or ordering of Ministers stipends: As also many Acts made, and Articles presented to the King and Estates against Jesuits, seminarie Priests, Trafficking Papists, Hearers of masse &c. of which ye have alreadie what is sufficient, in the former storie.

In the General Assembly holden at *Edinburgh* in *December* 1560. It was ordained, that Parties shall make publick confession of their offence, for carnal copulation betwixt the promise and the solemnization of the marriage.

In the Assemblie holden at *Edinburgh* in *December* 1562. It was ordained, that the Communion be four times ministred in the year within Burrowes townes, twice in the year in Countrey Parishes. *Item*, that an uniform order be kept in Ministration of the Sacraments, according to the book of *Geneva*, that is, the book of Common order prefixed before the Psalmes in meeter, which was the order observed in the English Kirk at *Geneva*.

In the General Assembly holden at *Perth* in *June* 1563. It was ordained, that no contract of marriage, alledged to be made secretly, carnal copulation following, shall have faith in judgment in time coming, till the contracters suffer as breakers of good order, and as offensive to the Kirk by their scandal; and that thereafter faith shall not be given to that promise, till famous and unsuspect witnesses affirm the same, or else both the parties confesse it. And in case that probation or confession follow not, that the said offenders be censured as fornicators.

In the Assembly holden at *Edinburgh* in *December* the same year, it

was

was ordained, that Ministers, Exhorters, having manſes, make reſidence at the ſame, and viſit the ſick; and where the Pariſh is great, that the Miniſters crave the Aſſiſtance of the Elders and Deacons, in the ſaid Viſitations.

Item, it was ordained, that a bier ſhould be made in every countrey Pariſh, to carrie the dead corps of the poor to the burial place, and that thoſe of the Villages or houſes next adjacent to the houſe, where the dead corpe lyeth, or a certain number out of every houſe, ſhall convoy the dead corpe to the burial place, & burie it ſix footes under the earth. And that every Superintendent requeſt the Lords & Barons within his bounds, to make an Act in their Courts touching this order, and to cauſe their Officers warn the neareſt neighbours where the dead corpe lyeth, to convoy it to the grave.

In the General Aſſembly holden at *Edinburgh* in *June 1564*. It was ordained, that no Miniſter, placed in any Congregation, leave the ſame, and paſſe to another, without the knowledge of the Flock, his Superintendent, or whole Kirk: And that the cauſe be conſidered by the Superintendent or Aſſembly, whether it be lawful or not.

In the General Aſſembly convened at *Edinburgh* in *June 1565*. thoſe, who were appointed to answer to queſtions, determined, that parties proceed not orderly in marriage, who neither obtain the conſent of the Parents, nor make ſuit to the Seſſion of the Kirk to concurre with them in their proceedings. *Item*, that no Miniſter ought to enjoy any benefice or ſtipend belonging to any Kirk, unleſſe he remain at the ſaid Kirk, to diſcharge his Office: And if he be tranſplanted by the Aſſembly to any other place, and ſo may not diſcharge his dutie in both, that he be deprived of the one benefice or ſtipend; providing he be ſufficiently answered of the other. This limitation or proviſion was afterward omitted.

In the Aſſembly holden this year in *December* at *Edinburgh*, it was ordained, that all Perſons, who have joyned themſelves to the Kirk, and after make revolt, offering their Children to be baptized with Popiſh Priests, or receiving the abominable Sacrament of the Altar, or approving in any ſort Popiſh wickedneſs, after due admonition given by the Superintendent of the Diocie, or Principal reformed Kirk, ſhall be Excommunicat, if repentance be not offered.

It was determined by ſuch, as were appointed to decide queſtions, that no Miniſter, receiving ſufficient ſuſtentation for preaching of the Evangel, may with ſafe Conſcience leave his Flock or Vocation, or the place appointed for the ordinary reſidence, whatſoever patrocinie or overſight he have through corruption of times, or negligence of Rulers, ſo to do. The deciſion may be underſtood by the queſtion, which was this, If it be lawful that a Miniſter, what Title or Honour ſoever he bear, receiving ſufficient Proviſion of his flock, may leave them, and make his uſual reſidence in other places, ſo that the flock lyeth deſtitute of Doctrine, Overſight, and other Comforts, which they ſhould receive of a faithful Paſtor; notwithstanding that worldly reaſon may ſeem to excuſe the abſence of ſome. *Item*, it is determined, ſeing our Maſter pronounceth, that he is but a mercenarie, who ſeing the wolf coming, fleeth for his own ſafeguard, and that the very danger of life cannot be a ſufficient excuſe for ſuch as fall back, We no wayes think it lawful, that ſuch, as have put their hand to the plough, ſhall leave that heavenly Vocation for in-

digence and povertie. They may lawfully leave an unthankful people, and seek where *Christ Jesus* his Holy Evangel may bring forth good fruit: But lawfully they may not change their Vocation. This is to be understood with condition of orderly transplantation. *Item*, they determined, when Children Baptized by a Papistical Priest, or in Papistical manner, come to the years of understanding, that they shall be instructed in the Doctrine of Salvation; and what is the corruption of Popery they must publickly damne, before they be admitted to the Lords Table. *Item*, that such as lye in fornication under promise of marriage, deferring the solemnization, should satisfie publickly in the place of repentance, upon the Lords day before they be married. To the question moved about the order of proceeding against Murtherers, Adulterers, and other like heinous Offenders. Their answer I omit, because the order is clearly set down in the Treatise of Excommunication, which is insert in the book of Common Order, prefixed before the Psalmes.

In the General Assembly holden at *Edinburgh* in *December 15 66*. It was asked in the Second Session, if the tithes appertain properly to the Kirk, and should be applied only to the sustentation of the Ministry, & of the Poor, the maintenance of Schooles, and reparation of Kirks, and other Godly Uses, at the discretion of the Kirk? It was answered affirmatively without contradiction. *Next*, it was asked, if so be, whether the Ministers, which are the mouth of the Kirk, may with safe Conscience keep silence, seeing the Patrimoine of the Kirk unjustly taken up, and wasted in vain uses, by such Persons as bear no Office in the Kirk, the Ministry in the mean time ceasing from the exercise of their Office through necessity, the poor perishing for hunger, and the soules of people perishing, and Kirks falling down to the ground? It was answered, they ought not to keep silence, but earnestly admonish every one of his dutie, and desire all men to seek that, which appertaineth to the sustentation of the foresaids. *Thirdly*, it was asked, whether the Kirk might justly require of all Possessors of Tithes that the same be payed only to the Kirk, and inhibit all others to intromet therewith; and in case of Disobedience, what order should be taken? It was answered, that after due admonition, and no Obedience given, the censures of the Kirk should be used. Yet for weightie considerations this was never put in practice.

These, who were appointed to answer Questions, determined, that the Censures of the Kirk, after Admonition, be used against such as after Communicating at the Lords Table, become witnesses at the Baptism of Children, Baptized by a Papistical Priest, in a privat place.

In the Assembly holden at *Edinburgh* in *July 15 68*. touching the question of Murder committed upon suddenty, and for satisfaction to be made to the Kirk? It was answered, that the crime being confessed, and the Person orderly convict, he shall be admonished by the Superintendent, or the next reformed Kirk, where the slaughter was committed, to abstain from all participation of the Sacraments, till he satisfie the Kirk as shall be appointed: And that the Admonition be published, where the crime was committed, and where the recent bruit thereof was spread, that men may understand, the Kirk winketh not at the shedding of innocent blood. If the crime be denied, and yet

the bruit thereof be constant, and as it were publick, the suspected Person shall be commanded to abstain from the use of the Sacraments, till farther triall may be had, or else that he may be solemnly purged of the bruit. As for Murder committed deliberately, the answer was remitted to a former Act. None that have committed Slaughter, Adultery or Incest, or shall hereafter commit the same, shall be received to Repentance by any particular Kirk, till they first present themselves before the General Assembly, there to receive their injunctions; and thereafter they shall keep the same order, which was prescribed to *Paul Messan* for his publick satisfaction: This being added, that the Murderers shall bear in their hand, all the time that they are in the place of repentance, the same or the like weapon, wherewith they committed the murder. As for oppressours of Children, or Infants, they are to be admonished by the Kirk, to make publick repentance in sackcloth, bare-footed & bare-headed, so oft as the particular Kirk shall appoint.

In the General Assembly holden in *Februar 1569.* at *Edinburgh*, among the Articles to be presented to the *Regents* grace, and Council, we have these following, That such as have many Benefices, may be compelled to dimit all, except one. That remedie may be provided against the chopping and changing of Benefices, selling of the same, diminishing of rentals, setting of long Tacks to the defrauding of Ministers, both for the present, and for the time to come.

In the Assembly holden at *Sterline* in *Februar 1560.* some Adulterous and Incestuous Persons compeared in linning clothes, bare-headed and bare-footed, with testimonials of their honest behaviour during the time of their publick repentance, since the last Assembly, according to the injunction given them, readie to underly farther injunctions, if it was the will of the Assembly, to the end they might be received to the societie of the faithful. The Assembly ordained the said Persons, and every one of them, and all others who shall hereafter obey their injunctions, and not stubbornly contemne the Admonitions of the Kirk, nor suffer the sentence of Excommunication to passe against them, shall make publick repentance in sackcloth at their own Kirks, bare-headed & bare-footed, three several preaching dayes, and after the third day, shall be received into the societie of the Kirk in their own clothes. Others Excommunicat for their offences shall present themselves in Sackcloth, bare-headed and bare-footed, six preaching dayes, and on the last after Sermon be received.

In the third Session it was ordained, that Homicids, Incestuous Persons, Adulterers, not fugitive from the Lawes, but continually suing to be received to publick repentance in their own Kirks, according to the order appointed before by the General Assembly, at which time the Minister shall notifie publickly their crimes, that thereby the civil Magistrat may know what the crime is, and pretend no ignorance. The Particular injunctions to be used by every Particular Kirk, touching the trying of the signes of repentance of those that are admitted, or hereafter shall be admitted by the General Assemblies to publick repentance for Slaughter, Incest, Adulterie, or other heinous crimes, are these, to wit, if they be Excommunicat for their offences, they shall stand Bare-headed at the Kirk doore, every preaching day betwixt the Assemblies, secluded from prayers before and after Sermon,

and there enter in the Kirk, & sit in the place of Repentance bare-headed all the time of the Sermon, and depart before the later prayer. Others, that are not Excommunicat, shall be placed in the publick place, where they may be known from the rest of the people, bare-headed in time of Sermon, the Minister remembring them in his prayers after Sermon; & the said Persons shall bring the Ministers Testimonial to the next Assembly, of their behaviour, according to the Act made in July 1569. Such Penitents were after remitted to Synodal Assemblies. Sackcloth and linen clothes, and other like publick marks of shame, were called in question by some of good judgment in our Kirk, & I think, would have been agitat in publick Assembly, if the present Alterations had not intervened.

In the *Seventh* Session it was ordained, that no Minister, provided to any benefice, shall set in Tack any manner of way their Gleibes or Manfes, or any part of the Fruits, or Emoluments, in diminution of the rental, under the pain of Deprivation from the benefice for ever: And that the Tacks, set in manner foresaid, be null and of no effect.

The Brethren, appointed to decide questions, determined, that those who will not forbear, after due Admonition, the companie of Excommunicat Persons, they should be Excommunicat. *Item*, that the Children of Excommunicats are to be received to Baptism from a faithful, and obedient Member of the Kirk.

In the Assembly holden at *Edinburgh* in July 1570. It was ordained, that Ministers and Elders of Kirks try and examine all young Children, within their Parishes, which are come to the ninth year of their age; & again when they come to the twelfth year; and the third time when they come to the 14. year, that it may be known, how they have profited in the School of *Christ* from time to time: And that their names may be written up by the Ministers and Elders of their Parishes.

It being asked at such as were appointed to answer questions, what order should be taken with Ministers, that are provided to Benefices by the reformed Kirk, and have Manfes, but will not make residence. It was answered, let them be admonished to make residence under the pain of Deprivation.

In the Assembly holden at *Edinburgh* in March 1571. It was ordained, that for as much as trouble and slander is risen for solemnization of Marriage in Privat houses, and that by Ministers, to whose Parish or Kirk the contraveeners belonged not, whereby controversie hath fallen forth in particular Kirks and Sessions, for satisfaction to be made for transgressing the publick Order of the Kirk; that all Marriages be made solemnly in the face of a Congregation, according to the publick Order Established. And als inhibiteth all Ministers and Exhorters, that none of them solemnize marriages of any Persons of other Congregations, than their own, without sufficient Testimonial from their Ministers; and contraveeners, together with their parents, to make publick repentance &c. at the discretion of their own Kirks. *Item*, that all Ministers inhibit all Civil Magistrats to hold their Courts within Kirks; & if need be, to admonish &c. *Item*, that Persons Excommunicat for not adhering to the Established Religion, yer of their own free will submit themselves, and require to be received to the societie of the faithful &c. be received in humble Habit with sackcloth, the order prescribed in the book of Excommunication, in all other points, being observed.

It being asked, if it be not expedient and necessarie, that an uniform Order be observed in all Kirks making promises of marriage, whether they should be made *per verba de futuro*, or *per verba de presenti*, or should not promise be made till the solemnization? It was answered by the Brethren, appointed to answer questions, that promise of marriage shall be made *per verba de futuro*, according to the Order of this reformed Kirk, to the Minister, Exhorter or Reader, taking caution for abstinence, till the marriage be solemnized.

In the General Assembly holden at *Perth* in *August 1572*. It was ordained as followeth. To the effect that Obedience may be given to the present Moderator, and at all times hereafter, it is ordained, that no Person, of what estate soever he be, speak without licence asked, and granted by the Moderator; and after licence obtained, that the Person keep moderation in speaking, reasoning and answering, and keep silence when he shall be commanded by the said Moderator, under the pain of removing out of the Assembly, and not re-entering during that Convention: And that this Act serve for Assemblies hereafter.

In the Assembly holden at *Edinburgh* in *March 1573*. touching My Lord Regent's grace his desire, craving some learned men of the Ministry to be placed Senators of the Colledge of justice, the Assembly, having at length reasoned, whether a Minister be able to discharge both the Offices, voted with one consent, that none was able to bear the said two charges: And therefore inhibited any Minister to take upon him to be a Senator in the Colledge of justice. *Mr Robert Pont* was excepted, because he was tolerated so to do by that corrupt Convention, or extraordinary Assembly, which was holden at *Leith* in *Januar 1572*. The Assembly, for certain good considerations moving them, ordained, that no Collection be made for the poor, in time of ministration of the Lords Table, nor yet in time of Sermon within Kirks, but only at Kirk doores. This Assembly ordained all Ministers, and others who had received benefices since the Reformation, to make residence at the Kirk where their benefice lyeth, and exerce their Office according to the tenor of their Admission, under the pain of Deposition.

In the Assembly holden at *Edinburgh* in *August 1573*. It was ordained, that all receivers of Excommunicat Persons be proceeded against to Excommunication, if after due Admonition they be found disobedient, conform to the Order contained in the book of Excommunication; and albeit they desist after Excommunication, they shall underly the Discipline of the Kirk, by making their publick repentance, except the Persons receipt be such as are excepted by Law. It was ordained, that such as shall be found to have consulted with witches, shall make their publick Repentance in sackcloth, upon the Lords day in time of Sermon, under the pain of Excommunication, if they be found disobedient, due Admonitions preceeding.

It being asked at the Brethren, appointed for decision of questions, whether the Assembly may lawfully impose pecunial summes upon such as offend by Drunkenness, Fornication, Breach of the Sabbath, & such like. It was answered, that for Drunkenness they should be admonished, which Admonitions being disobeyed, the disobedient shall be repelled from the Table of the Lord. Yet Magistrats may inflict a penaltie upon them, till order be taken in Parliament. As for Fornication, & Breach of the Sabbath, there are Acts of Parliament to be put in execution.

In the General Assembly holden at *Edinburgh* in *August* 1574. among the Articles to be presented to the *Regent*, we have these, That his Grace would give Commission to certain Gentlemen in every Countrey to punish Incest, Adultery, Witchcraft, and other like odious crimes, abounding in the Countrey. That his Grace would discharge tith Sebowes Leekes, Kail, Onjons, by an Act of Secrer Council, till a Parliament be convened.

For avoiding of Symonie, it was ordained, that all that buy or sell Benefices, or use any other kinde of coupling the same directly, or indirectly, shall be deprived of all functions within the Kirk; and that the Discipline of the Kirk strike upon them with rigour, and that the buyers, sellers, or otherwise coupers of benefices, be deprived of the same for ever.

In the Assembly holden at *Edinburgh* in *March* 1575. It was ordained as followeth, For as much as the greatest part of the interpreters of Scripture have written and commented in the latine tongue; and therefore it is necessar, that such as enter in the Ministry have understanding and knowledge of the same, the Assembly hath ordained, that from this time forth none shall be admitted to the function of a Minister within the Kirk by Bishops, Superintendents or Commissioners of Countries, but such as have understanding of the Latine tongue, are able to interpret commentaries written in the same Language, and speak congruous Latine, except such as by examination of the General Assembly, for their singular gifts and graces, shall be found able to use their function without knowledge of the Latine Tongue.

Seing it becometh the true messenger of the Word of Salvation, not only to bear in their Conscience a good testimonie of unfeigned Humility and Simplicite of heart; but also in External habit and behaviour to represent the Humilitie and Sobrietie of their mindes, that the mouthes of this Godless Generation, which are opened to blaspheme the Godly calling of the Ministry, may be shut up from just occasion of slander, It is ordained by the determination of the whole Assembly, that all that serve within the Kirk, apparel themselves in a comely and decent manner, as becometh the gravity of their Vocation; and that they conform their wives & families thereto, that no slander nor offence arise to the Kirk of God thereby. And to the effect it may be known to all the Brethren, what ought to be eschewed in apparel, the Assembly hath enjoyned their loving Brethren, *John Areskeen* of *Dunn*, Superintendent of *Mearnes* and *Angus*, *Mr Andrew Hay* Commissioner of *Renfrew*, *Mr James Lavvson* Minister of *Edinburgh*, *Mr John Winram* Superintendent of *Fyfe*, *Mr George Hay* Commissioner of *Aberdeen*, to advise thereupon.

For as much as it considered, that the playing of Clerk-Playes, Comedies or Tragedies upon the Canonical parts of the Scripture, induceth & bringeth in with it a contempt and profanation of the same. Therefore it is thought meet, and ordained, that no Clerk-playes, Comedies, or Tragedies be acted of the Canonical Scriptures, either of the new, or Old Testament, on the Sabbath day or work dayes in time coming; and that the contraveeners, if they be Ministers, be deprived of their function; if others, that they be censured by the Discipline of the Kirk: And that an Article be given in to such as sit upon the policie, that Comedies, Tragedies, and other profane playes, which are not made upon

Authentick parts of Scripture, may be considered before they be acted publickly; and that they be not acted upon the Lords-day.

For as much as it is complained by sundrie, that such as were Papists, & have since the Act of Parliament made Confession of their faith, have notwithstanding as yet no wayes participat of the holy Supper of the Lord, prerending slight excuses, whereby it appeareth, that they were never truly in heart converted to God. Therefore it is ordained, that Bishops, Superintendents and Ministers every where admonish the said Persons, to participat the Sacrament with the rest of the Congregation; and if they disobey their Admonitions, that they be holden as relapsed; and to proceed against them as relapsed with the sentence of Excommunication.

In the Assembly holden at *Edinburgh* in *August* 1575. Commission was given to some Brethren to present these Articles following, together with some others necessarie for the time, to the *Regent*. That the order already taken for the poor may be put in full execution; and to that effect, that a portion of the Tithes, which is their own patrimonie, as well of the two parts, as of the third, may be employed for their sustentation, as necessity craveth: And to this effect, that the Hospitals, which have been of old, may be restored to their own use; notwithstanding any Title made to other Persons; and such ordinary Almes, as hath been appoined out of the Abbayes, or other Benefices, by long consuetude. There was also an Article, against markets upon Holy - dayes.

The Brethren appointed in the last Assembly, to form the Act of Ministers Apparel, were again desired to go apart to the same effect; which they did, and presented the same to the Assembly; which was found reasonable; and the Brethren, serving in the Ministry, ordained to conform themselves, and their wives thereunto. The tenor followeth. For as much as comely and decent Apparel is requisit in all, namely in Ministers, and such as bear function in the Kirk, We think all kind of broidering unseemly, all Begairies of velvet in Gown, Hose or Coat; all superfluous and vain cutting out, seeking with silks; all kind of costly sowing-on of Paments, or sumptuous & large seeking with silks; all kind of costly sowing or variant hewes in shirts; all kind of light and variant bewes of clothing, as Red, Blue, Yellow, and such like, which declare the lightness of the minde; all wearing of Rings, Bracelets, Buttons of silver, or gold, or other finge mettall; all kind of superfluity of cloth in making of hose; all using of plaids in the Kirks by Readers, or Ministers, namely, in time of their Ministry & using of their Office; all kind of Gowning, Coating, Doubleting, or Breaches of Velvet, Satine, Tassary, or such like stuffe; costly guilding of Whingers & Knives; silk hats of divers and light Colours. But we think their whole habit should be of grave colour; as Black, Russet, Sad-gray, Sad-brown, or Searges, Worsat, Chamlet, Grogram, Lyles Worsat, or such like. To be short, such as thereby the Word of God be not slandered through their lightness or gorgeousness: And that the wives of Ministers be subject to the same order.

It being asked, whether an Officer of Arms was to be admitted to be a Reader in the Kirk? It was answered, it was not convenient.

In the Assembly holden at *Edinburgh* 1576. in *April* to the question moved, if a Bishop, Superintendent, or Commissioner of a Countrey,

may

may remove a Reader from a Kirk; being lawfully placed thereat, without a just cause? It was answered, he may not.

Anent the question moved in the Assembly, whether the Assembly might proceed against the Possessors of the patrimonie of the Kirk and poor; or not: And if they may proceed, how far they may? It was first reasoned and disputed, if the Assembly may proceed against such Persons, and after debating on either side, the whole Assembly concluded Affirmatively, that they may proceed against them, in respect of the notorious slander; and that as for slander and such like, that they may proceed against them by Doctrine and Admonition: And last of all, if there be no remedie, with the Censures of the Kirk. Farther, that the patrimonie of the Kirk, whereupon the Kirk, the Poor and Schooles, should be sustained, is *ex jure divino*, Farther disputation of this matter was deferred to the first of May, and then the description of the patrimonie of the Kirk was to be enquired, and farther reasoning to be had for solution of the question.

In the Assembly convened at *Edinburgh* in *October* 1576. It was thought meet, that in every Parish there be Persons appointed to break the earth, and make sepulchres, who shall make known the names of the Persons deceased to the Readers, that they may present the same to the Commissioners, to be reported to the General Assembly. This Act was made at the desire of the Lords of the Session, putting them in remembrance of an Act made before, for giving-up the names of the defunct.

For as much as the Assembly and Commissioners present, have advisedly considered the great prejudice, and hurt done to the Kirk of God by beneficed Ministers, who set Fewes and Tacks of their Benefices, and Ecclesiastical Livings, Lands, Rents, Tithes and Fruits of the same, defrauding their successors of that, whereupon they ought to be sustained, & bringing - in upon the Kirk, by their inordinat & corrupt dealing, great slanders and inconveniences, hath ordained, that no beneficed Persons within the Ministry, Bishops or others, shall set Fewes or Tacks of their Benefices, or Ecclesiastical Livings, Lands, Rents, Tithes, or Fruits of the same, or any part thereof, to whatsoever Person or Persons, without advice and consent of the General Assembly. And siclike, that none hereafter subscribe, or give their consents to the said Fewes or Tacks, without consent of the Assembly.

It being asked, whether salt pans, milnes & other labouring, which draw away many people from hearing of the word, should be permitted on the Sabbath day? It was answered by the Assembly, they should not be permitted, and the violators are to be debarred from the benefits of the Kirk, till they make their repentance; and if they continue disobedient, are to be Excommunicat. It being asked, whether a Minister or Reader may tape ale, beer or wine, and keep an open tavern? It was answered, they are to be exhorted to keep *decorum*. It being asked, whether burials in the Kirk be to be allowed or tolerated? It was answered, nor, and that the contraveeners be suspended from the Benefits of the Kirk. Double satisfaction was appointed to him that committed both Incest, and Adultery: And double satisfaction to relapsed Fornicators. It was ordained, that one of the times of the comparance of fornicators, to make their repentance, be upon the Lords day, at ten houres before noon, in presence of the Congregation.

These Articles to be craved by the Commissioners, appointed by the Assembly holden at *Edinburgh* in *April 1577*. of the *Regents* grace. That order be taken, that Persons deprived by the Kirk, for not discharging their duety may be deprived of their Benefices. That his Grace would put Order to such as receive Benefices, and thereafter coupe them. That when Benefices vaik, they may be disponsed rather to such as have served at the Kirks where they lye, then to others not so well qualified. That Acts of Parliament, made against Adulterers, may be put in execution. That his Grace would discharge the playes of *Robin-hood*, *King of May*, and such others on the Sabbath-day.

The Assemblie ordained the Commissioners of Countries to send-in the names of the Defuncts, within their bounds, to the Procurator Fiscal, if they be readie, betwixt and the next Assembly: Otherwise *simpliciter* to produce them then, to be delivered to him, and keep the Act and Ordinance made before thereanent.

In the Assembly holden at *Edinburgh* in *October 1577* it was ordained, that *Mr Peter Watson* confesse his offence, for solemnizing marriage in a privat house, upon a Sabbath-day in the Parish Kirk of *Dusdeer*, in presence of the Congregation, where the parties should have been married, and to read the Acts, prohibiting privat Celebration of marriage, in presence of the people; and report a Testimonial from the Minister *Mr James Betoun*, of the Performance of this Ordinance, to the next Assembly. *James Blaikwood*, Reader at *Sauline*, was found guiltie of transgressing the Act made the 27. of *December 1565*. by celebrating the marriage betwixt the Commendator of *Dumfermline* and his Wife, without Testimonial of the Minister of the Parish: And therefore ordained, that the pain of the Act, *viz* deprivation from his Office, and losse of his stipend, be inflicted upon him, and other pains, as the General Assembly shall hereafter think good.

In the Assembly holden at *Edinburgh* in *April 1578*. it was ordained, that no Visitors of Countries give Collation of vacant Benefices, where there are qualified Ministers serving the cure, but to the Minister of the Kirk, whereof the Benefice vaiketh, till the next Assembly, under the pain of Deprivation from their Offices: And if they be urged by the Kings Letters, to shew this Ordinance for their defence, and that this matter be motioned again in the next Assembly. This Act was renewed again in the next Assembly, and at last finally concluded in the Assembly holden at *Dundie* in *July 1580*. as is extant in the preceeding Historie.

In the Assembly holden at *Edinburgh* in *October 1578*. It was ordained as followeth. For as much as there are diverse Persons, who, being deposed from the function of the Ministry by the General Assembly, or Commissioners of Countreyes, for offences committed by them, enjoy still the Benefices and Ecclesiastical livings, whereupon others should be sustained, that should travel in the Ministrie. The Assembly ordained, that all such beneficed Persons that are alreadie, or hereafter shall be, deposed for offences committed in discharge of their Ministerial function, shall be charged by Commissioners of Countries, to dimit the said Benefices possessed by them, to the effect others may be provided thereto, that will travel in the said function, under the pain of Excommunication: and that after Admonitions, they proceed to the said sentence, under the pain of Suspension from their Ministry, during the will of the Assem-

bly. And that this Act be executed against the Bishop of *Dunkelden*, and the Minister of *Sauline*, by the Commissioners of the Countries where they dwell, betwixt and the next Assembly, under the pain foresaid.

For as much as sundrie have sent their children within age over sea, to parts where Popery and Superstition is maintained, upon pretence of seeking farther Instruction and Learning; as also others of perfect age transport themselves out of the Realm, upon the same pretence, whereby they become for the most part corrupt in Religion; as is dayly seen by experience. The Assembly hath ordained, that the Parents of children under minoritie, sent to the said places, or that hereafter shall be sent, shall be charged by their own Ministers respectively, to call back their Children from the said places, with all convenient expedition, under the pain of Excommunication; and if they disobey, that they proceed against them with Excommunication: And that such as are of perfect age, whether already past, or that hereafter shall passe to the said places, shall be charged to remove out of the same, under the same pain; and if they disobey, to be Excommunicat by the Minister of the place, where they remained before they departed out of the Countrey.

Mr John Ross and *Mr John Durie* were directed by the Assembly holden at *Edinburgh* in July 1579. to some Lords, to desire, that all signes of Superstition might be avoided at the burial of the bodie of the Earle of *Arthol*: Because it was reported, that they were to use a white cloth above the mort-cloth, long gownes with stroups, and torches. They granted the gownes, but denied the torches, and desired the Assembly to direct two of their number, to see what was prepared. The Assembly directed two of their number to declare, that they thought the crosse and the stroups Superstitious. Answer was returned, that the mort-cloth should be covered with black velvet.

In the Articles to be presented to the King, they crave a discharge, that none send their Children to *Paris*, or other Universities professing Popery, as his H. and Council shall think expedient. And because the Assembly understandeth, that his *Maj.* with advice of his Secret Council, directed Letters oftentimes to stay the execution of the Acts of the General Assembly; as also summoned Ministers, to take trial of Excommunication, pronounced by them according to the Word of God, and Discipline of the Kirk, as the Commissioners of the Kirk will declare in particular; that his *Maj.* hereafter would suffer the Acts of the General Assembly to be put in execution; and namely, that Excommunication being pronounced, may have due execution, without challenging of the same before his *Maj.* and the Secret Council.

It was ordained, that the Act, concerning apparel of Ministers and their Wives, be put in execution, in all points according to the tenor thereof. *Item*, That Commissioners of Provinces charge Jesuits, if any be found to resort within their bounds, to give confession of their faith, to revoke their errors, and to subscribe the Articles of Religion; and that this Act be execute in special against *Mr John Hay*.

The question being moved by the Synod of *Lothian*, what Order shall be taken with them, who abstain from the Communion, alledging they carrie envie against their neighbours; and if others ought to be admitted, who

being

being required by their Ministers, will neither speak, salur, nor bear familiar company with their neighbours? It was answered, let the first sort be admonished, and let not the other be admitted without reconciliation and brotherly love. The question likewise being moved by the said Synod, what Order should be taken with such as, after admonition, will go to may-playes; specially Elders, Deacons and others bearing Office in the Kirk? It was answered. they ought not to be admitted to the Sacrament.

It was declared, that bannes being three several Sundayes lawfully proclaimed, marriage may be solemnized any day in the week, so that a sufficient number of witnesses be present.

The Assembly holden at *Dundie* in *July* 1580. In the Articles to be presented by their Commissioners to the King, craveth that those who for just causes are deposed from the Ministry, may lose their Benefices, that other qualified Persons may be provided to the same. That punishment be appointed for such as passe in Pilgrimage to Kirks, or wells; & that Order may be taken with them, that went of late to the holy Rude of *Peebles*, and such other places. That no presentation to Benefices be directed to any person, but to such as have Commission from the General Assembly, according to the Act of Parliament: And if any be received otherwise, that their admission be declared null. That all benefices vacant, where Ministers are planted, be conferred to the Minister serving the cure where they lye, and that no presentation of any other be received, unlesse the Minister serving the cure be first found unable.

The Assembly ordaineth, that Commissioners of Countreies call such Persons, every one within their own bounds respectively, before their Synodal Assemblies, who before their departure out of the Countrey, professed the true Religion presently established, and have since declined to Idolatrie or Popery, or gone to the Masse in *France* or other parts: And if it be found they have made defection, to charge every one to make his repentance, under the pain of Excommunication; and if they disobey, that they be excommunicat by such persons as shall be appointed by the Synodal Assemblies to that effect, lawful admonition preceeding: And if they offer obedience, to supersede their publick repentance, till the form of it be advised upon in the next Assembly, suspending them in the mean time from participation of the Sacrament, till the said Assembly and to report their diligence, as they will answer to God: And that the same order be observed by them, that willingly acknowledge their defection, and offer their repentance.

For as much as through a great part of the Countrey, the afternoones Exercise and Doctrine upon Sabbath-dayes, is neglected, specially in uplandish parts; and therefore the people is not duely instructed in the Catechisme & rudiments of Religion, the Assembly ordaineth, that all Pastors and Ministers shall travel diligently and zealously upon their flocks, as well these that are in uplandish parts, as these that are in Burghs, as they will answer to God.

The question being proponed in the Assembly holden at *Edinburgh* in *October* 1580. if any Minister might be removed by the General Assembly from his particular flock, without consent of his flock? It was answered, he might for good and necessary causes. The question being proponed if a Minister serving diverse years in the function of the Ministry, and after deserting his calling, and applying himself to a civil Office,

may be admitted to be an Elder in the Kirk? It was answered by the Brethren appointed to decide questions, that he is *desertor Gregis*, and should not be admitted to be an Elder; but should be censured for deserting.

It was ordained, that the Act made in the last Assembly, wherein was damned the plurality of Kirks in the Person of one man, be put in execution by the Commissioners of Provinces, according to the tenor thereof, under the pain of disobedience.

It is ordained, that the Commissioners of Countries put in execution the Act of the last Assembly, against Apostats, in all points; and to use the form of Discipline against them, which is used against Adulterers: And in special, that this Act be execute by the Laird of *Dun* upon the Master of *Gray*, and others within his bounds, in respect of the said Apostasie.

In the Articles, remitted by the Synod of *Lothian* to the Assembly holden in *October 1581. at Edinburgh*, they crave, that an Article be given - in to the Parliament, that all marriages without consent of Parents, Proclamation of Bannes, or otherwise without the own solemnitie which is required by the order of the Kirk, be declared null. The Assembly yeilded, providing the Article be well qualified. They craved, that an Act of Parliament may be made against them that passe in Pilgrimage, and use superstition at Wells, Crosses, Images, and other Papistical Idolatrie; or observe Feasts and Dayes dedicat to Saints, or set on bonfires for Superstition: Which was granted. *Item*, seing an Act of Parliament is made, discharging markets upon the Lords day, and no execution hath followed thereupon, wherethrough the people, absenting themselves from the Kirk, continueth in ignorance, and by this means Atheism increaseth; that some order may be taken at the instant Parliament, touching the execution of the said Act; and that some punishment be appointed for Magistrats, that put not the same in execution, notwithstanding any privat dispensation in the contrarie: Whereunto the Assembly agreed, and ordained, that the Kirk proceed likewise against the violators of the Sabbath-day, and their maintainers. *Item*, because there is an Act of Parliament, that all Provostries and Prebendaries shall be given to Schollars, to sustain them at Schooles; And yet there are many of this sort that have cure of soules, and Parish Kirks, not the lesse by reason of the Act of Parliament, they are bestowed upon Courtiers: To crave an Act of Parliament to be made, that all Provostries and prebendaries that have cure of soules, be bestowed upon none but Ministers, and that otherwise the gift be null. Siclike, that Prebendaries founded for Schooles, be given, conform to their foundation, to School-masters for instructing of the youth; & if the same be disposed otherwise, that the disposition be null.

In the Assembly holden at *St Andrews* in *April 1582.* it was ordained as followeth. Seing that sundrie have been obtruded upon the Kirk, and presented to Benefices of cure, who by reason of their young Years, and want of experience and judgement, cannot be able to discharge that high and sacred Vocation, whereunto they are called. The Assembly with full consent ordained, that none be admitted to the function of the Ministerie, nor collationed, or admitted to any benefices having cure, unlesse he be of the age of 25. Years, except such as for

singular and rare qualities, shall be judged by the General Assembly meet and worthie.

For as much as the Sabbath-day is profaned many wayes, and violated to the great dishonour of God, and specially by holding of markets, as well in Burgh, as in the Countrey: The Assembly enjoineth straitly every Eldership withing their own bounds, to take order therewith, so far as they may by the Law of God, as they will shew their zeal toward God, and obedience to the Kirk.

In the Assembly holden at *Edinburgh* in *April 1583*: it was ordained, that every Presbytery within their own bounds, shall take order with Ministers, that make no residence at their own Kirks, as they will be answerable to the Assembly.

The question being moved by certain Brethren, if it be lawful for a Pastor, already serving a flock, to receive Presentation, or Collation of a benefice belonging to another Kirk, and to remove without licence of the Presbytery where he serveth, or of the Synodal or General Assembly? The Assembly answered, that he might not, and discharged all Presbyteries in time coming to admit any person, elsewhere serving, to Benefices, without Testimonial and licence exhibit by them, of the consent of the Presbytery, Synodal or General Assembly. And if any be found to remove himself without the consent foresaid, the Assembly ordained, that he be deposed from his function and calling of the Ministry.

In the Assembly holden at *Edinburgh* in *October 1583*. It was ordained, that every Presbytery within their own bounds, call before them the beneficed persons within their Jurisdiction, and try how they have kept the Act of the Assembly, touching the Disposition of their Ecclesiastical livings; and wherein they have transgressed, to report to the next Assembly by the Moderator of the Eldership, or their Commissioner, as they will answer to God and His Kirk.

This Assembly ratifieth and approveth the Act, made the penult of *October 1578*. Years, concerning setting of Fewes & Tacks of benefices, and Ecclesiastical livings, or any part thereof, by such as bear the function of the Ministry; with this Declaration, that under the said Act all Pensions and Factories, and whatsoever other disposition of the Benefice, or any part thereof, without consent of the General Assembly, is, and shall be comprehended in time coming; and the disponsers thereupon shall incur the penaltrie, contained in the Act of the date the 12. of *July 1578*. And for the particular observation hereof, *Mr Andrew Blackhal*, as one of the Chapter of *Halyrudhouse*, is charged not to subscribe the Gift of the Pension, given to the Person of *Pennicuik* by the Abbat, under the pain contained in the Act.

Commission was given to *Mr Thomas Smetoun*, *Mr Andrew Melvine*, *Mr James Lavuson*, *Mr Peter Bleckburne*, *Mr Nicol Dalgleish*, *Mr James Martine* and *Mr Robert Wilkie*, to draw forth, and collect, so far as their memorie in such shortness of time might serve, such Propositions, as they finde erroneous in profane Authors, which are read in the Schooles, specially in *Aristotle*, and to report to the Assembly. After their report, this Act following was concluded. For as much as of reading of profane Authors at Schooles, in which many things are written, directly impugning the Grounds of Religion, and specially in *Aristotle* his Philosophie, oftentimes the youth being curious, and of insolent spirits, drink in erroneous and dam-

nable opinions, and founding them upon the brickle Authoritie of profane writers, maintain Godless and profane opinions obstinately in disputations, and otherwise, to the great slander of the Word, and offence of the simple and unlearned. Therefore it is provided, and after reasoning, with good advice and consent universally agreed, that in all times coming the Masters, Regents and Teachers of Schooles, in reading of profane Authors, shall take heed vigilantly, if there be any thing in them alledged or written against the grounds and heeds of Religion, and in teaching to marke and note the places, and convince the errors, and admonish the youth to eschew the same as false, and erroneous; and namely, in teaching Philosophie, to note the Propositions following, as erroneous, false, and against the true Religion, and condemned by the consent of the whole Assembly.

1. *Omnis finis est opus, aut operatio.*
2. *Civilis scientia est præstantissima, ejusque finis præstantissimus, & summum hominis bonum.*
3. *Honestæ & justæ varia sunt, & inconstantia, adeo ut solâ opinione constent.*
4. *Juvenes & rerum imperiti, & in libidinem proclives, ab audiendâ morum Philosophiâ arcendi.*
5. *Quod altud ab aliis bonis, & per se bonum est, & causa cur cætera bona sunt, non est summum bonum.*
6. *Dei cognitio nihil prodest artifici, ad hoc ut arte suâ bene utatur.*
7. *Summum bonum vel minimi boni accessione augeri, & reddi potest optabilius.*
8. *Pauper, deformis, orbis aut infans, Beatus esse non potest.*
9. *Bonum æternum bono unius diei non majus bonum.*
10. *Felicitas est actio animi secundum virtutem.*
11. *Potest aliquis sibi suo studio felicitatem comparere.*
12. *Homo in hac vitâ cumulate & esse, & dici potest beatus.*
13. *Post hanc vitam nemo potest vel esse vel dici beatus, nisi propinquo- rum vel amicorum ratione.*
14. *Naturâ apti ad virtutem, eam agendo comparamus.*
15. *Virtus est habitus electivus in eâ mediocritate positus, quam ratio prudentis præscribit.*
16. *Libera est nobis voluntas ad bene agendum.*
17. *Mundus est Physice æternus.*
18. *Casus & fortuna locum habent in rebus naturalibus & humanis.*
19. *Res viles & inferiores non curat Dei providentia.*
20. *Animi pars una, vel etiam plures sunt mortales, & quæ hinc pend- ent, & necessario consequuntur.*

And if any shall be found to do in the contrarie, that the censures of the Kirk proceed against them. And siclike, that Masters, Regents, Teachers, or others, shall not assert or defend any of the said Propositions, already condemned by the Assembly, or any other that shall happen to be condemned by them hereafter, *Philosophice, Probabiliter*, or otherwise, under the pain of the same censures of the Kirk.

For as much as sundrie Acts have been made before, to close the hands of beneficed Ministers, that they set not Tacks of their benefices, or any part thereof, without advice of the Assembly; yet Supplications are given in daily for their consent; but for shortness of time, or other impediments, the state of such Supplications cannot be considered ripely, &

ried before them: Therefore it is thought expedient, that where any such suit is to be made, that the same be first presented to the particular Presbytery, where the benefice lyeth, before whom trial shall be taken, both of the old Kindness and Title of the Supplicant, and of the state of the benefice, what was the old rental thereof; what the present, and that the processe and trial thereof be returned again to the General Assembly, where order may be taken with the same according to equitie: And likewise ordaineth every Presbytery within their own jurisdiction, to try and examine what persons have violated the Act, concerning beneficed Ministers that set Tacks or Fees, or make other disposition whatsoever of their benefices, or any part thereof, against the Acts of the Assembly; and after calling of parties, and due trial taken, to report their names with the processe to the next Assembly.

The question being moved concerning the censure of Ministers, that bear with the people repairing in Pilgrimages to wells, hard beside their own houses, without reproof; yea rather intertaining them with meat and drink in their houses: And distributing the Communion to their own Flocks, and yet not Communicating with them for the space of seven or eight years? It was answered, that they deserved Deprivation.

In the Assembly holden at *Edinburgh* in *May 1586*. The doubt being moved, if it be leesome to any Town where there is an Universitie, and a part of the Parish lying without the Town, to choose a Minister to the whole Parish and Universitie, without their consents and votes, under pretence of an old custome and priviledge? It was answered, it was not leesome.

In the *sixt* Session, the Assembly found after reasoning, that Visitations were lawful and necessarie; but continued the form and other circumstances to further reasoning. Of the Commission of Visitation we have spoken before.

This Assembly in their Articles craves, that judges may be appointed in all Shires, for execution of the Acts of Parliament, made against the Breakers of the Sabbath day, Adulterers; and such open Transgressours of Gods law. That in chief Bartowes Townies, whose teaching is ordinarily four times in the week, beside Discipline, Visitation of the sick, and other travels, two Ministers be appointed. That order may be taken, how Colledge Kirks may be served. That the judgment of all causes, concerning the Deprivation of Ministers from benefices, in the second instance shall come by way of Appellation to the General Assembly, there to take final end; and not before the Lords of Session by way of Reduction.

In the Assembly holden at *Edinburgh* in *June 1587*. *William Challon*, Rader at *Auchintoule*, was found to have transgressed the Acts of the Kirk, in solemnizing a marriage *intra privatos parietes*; and therefore to have incurred deprivation from his Office and function in time coming.

Touching the doubt proponed, if it be slander to a Christian to absent himself from the Sermons, ministrations of Sacraments, or other Godly Exercises, used by such as ly at the Kings horn; and are suspended from all function in the Ministry? The Assembly answered, that there is no slander in this case: And on the contrarie concluded, that it is a slander to resort to the Sermons and other Godly Exercises used by such an one.

In their Articles which were to be presented to the King, they expresse their grief, that sundrie Papists of great rank are promoted to Offices and Benefices, contrarie to the Acts of Parliament; and that such and others of high rank take upon them the maintainance of Papists and Idolaters, namely the Earles of *Huntlie* and *Sutherland*, the Lord *Home*, the Lord *Gray*, the Lord *Hereis*, the Laird of *Hereis*, the Laird of *Fentrie*, and young *Glenbervie*. That an Act may passe in Parliament, that beneficed men being deprived, their living, during the time, may be taken up, and applied to the use of the Kirk.

In the Assembly holden at *Edinburgh* in *August* 1588. It was ordained as followeth. For as much as through the whole Realme, there is no Religion nor Discipline among the poor, but the most part live in filthie Adultery, Incest, Fornication, their Bairns lye unbaptized, and they themselves never resort to the Kirk, nor Participat of the Sacrament; It is thought expedient, that all Ministers shall make intimation in their Parish Kirks, that the poor, whether parishoners, or resorting to the Parish, having women and children, if they report not sufficient Testimonials from their Parishoners, of the baptism of their children, & where they participat of the Holy Communion, that they will be refused of their almes by all good and charitable people: And that they exhort their Parishoners to extend their Charitie rather to such as be of the household of faith, and to be discreet in giving any such Persons their almes, that give no evidence to them, as said is.

For as much as in no Countrey, where true Religion is professed, it is permitted, that the dead be buried in Kirks; & howbeit inhibition hath been made divers times for avoiding of this abuse; neverthelesse the Acts and Constitutions of the Kirk are daily violated. Therefore the Assembly inhibite, that any Person in time coming be buried in the Kirk; and that no Minister give consent; but directly oppon, certifying such Persons as shall be Authors, or in-bringers of the dead to the Kirk, that they shall be suspended from the benefits of the Kirk, till they make publick repentance: And the Minister that giveth his consent, or dischargeth not his Conscience in opposing, shall be suspended from the function of the Ministry. And that this Act may be better put in execution, Supplication shall be made to his *Maj.* that an Ordinance may passe from his H. and Council, discharging Burials in Kirks, erecting of Tombes, & laying of Throughes in Kirk yards, under such pains, as his H. and Council shall please to devise.

The question being moved, if a man, being convict of Adultery fix years since, satisfying the Kirk by repentance, and now presented to serve in the Ministry, should be admitted, or not? It was answered, he ought not to be admitted.

In the Assembly holden at *Edinburgh* in *August* 1590. Sundrie of the Ministers regrated, that the Sabbath-day was profaned by going of milnes, Saltpans, shearing and leading of Corne, carriage of victual to Burrowes Townes. The Assembly declared such occupations to be unlawful, and contrarie to the Law of God, and Acts of Parliament, & ordaineth the violators to be punished conform to the ordinance made before; and the Burrowes Townes to be discharged to receive in Loads and Carriages upon that day; & the Presbyteries to travel with the Gentlemen within their bounds, to grant to their tennents libertie in the work dayes to shear and lead their cornes. All the Brethren, who where pre-

... were commanded to give up the names of such, as might best hinder the holding of markets within their bounds upon the Lords day, that his Maj. may command them to do their dutie, in that point; otherwise in case of refusal, to call them before them.

In the Assembly holden at *Edinburgh* in *July 1591*. It was ordained, that an Article be given-in to the King and Council, to take order with coloured and vagabond *Egyptians*, who defile the Countrey with all kind of abomination.

Touching the Act of the Lords of the Exchequer, proceeding upon a Application, made by the Brethren of the Ministry to them, dated at *Holyrudhouse*, the 10. day of *Februar 1590*. declaring their meaning to be, that all Ministers, that have vitiated any benefices of cure, in whole or in part, by purchasing to themselves, their heirs & assigneyes, long Tacks of the same, within the worth of the said benefices, be compelled by the censures of the Kirk to restore them again to their own integrity, to the Ministers presently serving the cure; and to that effect, require the General and Synodal Assemblies, Commissioners and Presbyteries of the bounds, where the said Benefices ly, to take trial of such Persons, and to proceed against them, as said is, in most strait form, according as such a great enormitie in Ministers craveth, aye and while they have reintegrated the benefices, which have been corrupted and vitiated by them, as said is, without any farther proceffe of Law to follow thereupon, as the said Act, subscribed by my Lord Chancellour, *Newbottle*, *Sir Robert Melvil*, *Parbroth*, *Blantyre*, *Carmichael*, *Glencluden*, *Colluthie* and *Mr Patrick Young*, beareth: The Assembly having advised upon the same, alloweth and approveth the said act, and advice of the said Exchequer, and ordaineth the same to be put in execution in every Presbytery, according to the tenor thereof.

Touching the Act, made in the Assembly concerning Beggars, it was thought expedient, that the same should be published in every Parish by the Minister, and put in execution by the Pastors, so far as concerned them, as they will be answerable to the Kirk.

In the Assembly holden at *Edinburgh* in *May 1592*. touching the Act, made concerning deposed Ministers or Pastors, in the last Parliament, it was thought meet to crave at the next Parliament or Convention, having the force or commission of a Parliament, that where it hath been already enacted, that notwithstanding the Pastor be deposed, the Tacks set by him shall stand, it be now provided, and added to the said Act, that in case the Tack or Title be made after the Committing of the fault, for which the Person is deposed, that such Tacks, Factories, or Tithes whatsoever, shall be null, and of no avail, force nor effect.

It is ordained in time coming, that the Brethren receiving Commission from the Assembly, if they be found negligent in execution, shall be rebuked in face of the Assembly for their negligence.

Touching the order and form of Excommunication, to be used against notorious Murderers, the Assembly ordained the Order, contained in the book of Excommunication, to be kept, and followed-out according to the tenor thereof.

In the Assembly holden at *Dundie* in *April 1593*. It was ordained, that for furtherance of the residence of such, as for lack of manse are non-residents, that every Parish, where the Pastors Manse is either ruinous, or altogether lecketh, repair and build the same upon their own expen.

ces, with Stone, Timber, & all other Materials, workmanship, carriage, and other things needful for repairing and building; which if they fail, and refuse to do, being duly required, they shall not only, so many as refuse, be holden the occasion of the Pastors non-residence; but also it shall be lawful to the heirs, executors and assignees of the Minister and Reader departing, or himself during his time, to retain the Possession of the Manse, builded by him, in case he build or repair the same upon his own expences, after refusal of the Parishoners, ay and while the intrant Minister, or Reader succeeding, refund to him, or his heirs, executors and assignees, the whole expences made by him for repairing and building, at the least so much as the Parish cannot be moved to refund: And that the Presbytery at the intrants admission take order for the performance, providing that the expences to be made by the said Pastor or Reader, exceed not 400. Merkes; and that the Presbytery, after the repairing and building of the said Manse, take up the exact trial and count of his expences, and give him their allowance thereupon, to be registred in their books; and this Act to be extended as well to them that are alive, and have already builded, as to them that are to build & repair hereafter. And likewise the second and third Minister or Reader; & consequently the successors to Ministers, where the Manse is builded, shall have the like Title to crave of the intrant after him, the said expences, which he hath debursed to his Predecessors, ay and while the Parishoners redeem and outquite the said manses or building, to be made free thereafter to the intrant Minister or Reader.

It is concluded, that where any Privat controversie ariseth betwixt two Brethren of the Ministry, though it be in civil matters, if they be of one Presbytery, that they chuse Brethren of the said Presbytery, so many as they think good, who shall choose an over-man, and summarily decide, and give sentence in the matter, which shall be irrevocable, and no appellation shall be interponed from the same: And if they be of divers Presbyteries, they shall make choise of the Brethren of either of the Presbyteries in equal number, as they that contend shall agree; which Brethren so elected shall choose an over-man, and decide & give sentence as said is, from which no appellation shall be interponed. And if any Brother will be wilful, and refuse this form and submission, he shall be holden by the Kirk *contumax*: And that this Act be put in execution presently, for decision of the question betwixt *James Anderson & Mr Henrie Guthrie*.

The General Assembly, by the Authoritie given to them from God, dischargeth all and every Christian, within the Kirk of *Scotland*, from repairing to any of the King of *Spaine* his Dominions, where the tyranny of Inquisition is used, for Traffick with merchandice, negotiation, or exercising of sea-fairing occupation, till the time the Kings *Maj.* by advice of the Council, have sought, and obtained special libertie and licence from the King of *Spaine*, for all his Lieges and Subjects to Traffick in Merchandice, and occupie within the whole parts of the said King of *Spaine* his Dominions, without any danger to their Persons or goods, for the cause of their Religion and Conscience, under the pain of incurring the Censures of the Kirk, to the last sentence of Excommunication.

In the Assembly holden at *Edinburgh* in *May* 1594. touching the horrible Superstition used in *Garioch*, and divers parts of the Countrey, in

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not labouring a parcel of ground, dedicat to the Devil, under the name of *The good man's croft*, It was thought meet, that an Article be formed to passe in an Act of Parliament, ordaining all Persons, Possessors of the saids Lands, to cause labour the same betwixt and a certain day, which shall be appointed: Otherwise in case of disobedience, that the saids Lands fall in the Kings hands, to be disposed to such Persons as will labour the same.

In the Assembly holden at *Montrose* in June 1595. The Presbyteries, were ordained to proceed to the Sentence of Excommunication against Papists within their Bounds: Because sundrie Papists, suspected of Papistrie after their Oaths and Subscriptions, abstained from the Table of the Lord, pretending deadly feod, The Presbyteries were ordained to proceed against them with the Sentence of Excommunication, so long as they refuse to Communicat, as if they had not subscribed, or taken their Oath.

It was ordained, That the Professors of the Truth, abstaining from the Communion by reason of deadly feods, be charged by the Presbyteries, to participat of the Holy Table; and in case they remaining obstinat refuse, that they be proceeded against with the Censures of the Kirk; it being alwayes considered, that if there be any that refuse of infirmitie or tenderness of Conscience, that the Presbytery travel with them to bring them to the participation of the said Table, granting to them, with good Advice and Discretion, some reasonable time to resolve with themselves, within which time if they give not obedience, that the Presbyteries proceed against them to the Sentence of Excommunication.

It was ordained, that seing sundrie Persons, cut off from the Society of the Kirk by the Sentence of Excommunication, were reset and intertained, that Presbyteries proceed against the resetters, according to the Acts of the Kirk, under the pain of publick rebuke in the face of the whole Assembly, and making of humble Confession upon their knees; and under pain of Deposition of the Minister, through whose default the said Ordinance is not executed; and that the same penaltie in execution be used, and strike upon them that have intercommuning, intelligence, or familiaritie with the said Excommunicats.

The Act made in favours of the Executors of Ministers, was cleared and explained; that if the Minister decease after Michaelmas, *quia fruges separatæ sunt à solo*, that his executors shall have that Years Rent, and the half of the next,

It was ordained, that Presbyteries take order for visitation and reformation of Grammer Schooles, in Townes within their bounds, and deal with the Magistrats for augmentation of their stipends, and to appoint some of their Council to attend carefully on their Schooles, and to assist the Masters in Discipline.

Touching marriages, the Assembly declareth these two sorts to be unlawful, *viz.* when a Person marieth another whom he hath before polluted in adultery: As also when the innocent person is content to remain with the nocent and guiltie, and the guiltie will have and take another. As concerning marriages, made by Excommunicat Priests, or others that have served in the Kirk, and are deposed from their Office, or by privat Persons: The Assembly declared such marriages to be null, and ordaineth the Brethren of *Edinburgh* to travel with the Commissars of *Edinburgh*, that they decide according to these Conclusions.

The question being moved to the Assembly, if it be proper to them to declare by the Word of God, what marriages are lawful, and what unlawful, so far as concerneth the Spiritual part? It was answered affirmatively, that it was proper.

In the Assembly holden at *Edinburgh* in *March 1596*. It was ordained, That an Article be presented to the *King*, for establishing an Act, annulling all tacks, set by Ministers without consent of the Assembly.

It was ordained, that the Act made at *Dundie*, concerning the decision of controversies among Ministers, be extended also to Readers; and that the pain of contumacie, contained in it, be Deprivation.

In the Assembly holden at *Dundie* in *March 1598*. in the grievances to be proponed to his *Maj.* they crave that an Act of Parliament may be made, for discharge of burials in Kirks. *Item*, To crave of his *Maj.* what Order should be taken anent the relaxation of such Murderers from Excommunication, as are already relaxed from the horne, and yet have not satisfied the partie, which is a token of impenitencie. *Item*, That their Commissioners; presenters of their grievances, advise with his *Maj.* if the carrying of professed witches from town to town, to try witchcraft in others, be a lawful and ordinary trial of witchcraft, or not? For answer to the *First*, His *Maj.* thought good, that a supplication be given in to the next Parliament, craving that for the avoiding of burial in Kirks, every Nobleman build for himself and his own familie, a sepulchre. For the *Second*, his *Maj.* declared, when any Murderer is relaxed from the horn, upon caution to underlye the Law, that he is not therefore simpliciter relaxed, but to a day, to abide trial: And therefore thinketh, that the Kirk may proceed to their Censures against such a person, and deny him any benefit of the Kirk, unlesse they see evident tokens of repentance in him, the partie satisfied, and thereupon a full remission obtained. For the *Third*, His *Maj.* declared, That by an Act of the last Parliament it was remitted to certain of his H. Council, and Advocats, to conclude upon a solid Order anent the trial of witches, and to Advise, whether the foresaid carrying of witches is to be permitted, or not.

Because it was reported in the Assembly, that howbeit sundrie Persons were convicted of witchcraft, never the lesse the Civil Magistrat nor only refused to punish them, conform to the Lawes of the Countrey, but also in contempt of the same set the Persons at libertie, which were convicted of witchcraft. Therefore the Assembly ordains, that in all time coming the Presbyteries proceed in all severitie with their censures against such Magistrats, as shall set at liberty any such Person or Persons convicted of witchcraft hereafter.

Because it was regrated, that certain of the Ministry, being banished Persons, have set Tacks and Affedations of the fruits of their benefice, and thereafter have obtained licence of transportation from their Kirk; so that the same by reason of the Tacks, set by them, remain unplanted for lack of provision. Therefore it is statute and ordained, that in time coming no Minister get licence of transportation from his Kirk, before it be tried, that he hath not hurt the Benefice, and if the Tacks, that were set before his entrie to the said Benefice, expire in his

time,

time, that he hath renewed an old Tack without consent of the General Assembly, and melioration of his benefice.

Because for lack of moyen, sundrie of the Ministry have not as yet obtained designation of their Manſes and Gleibes, it is ordained, that every Minister, which is not yet possessed with his manſe and gleib, obtain Possession of the same, betwixt and the next Assembly; & in case the Person, in whose favours the designation is granted, be not able through poverty to await upon the Law, for obtaining Possession of the same, that the rest of the Brethren of his Presbytery concur with him, and help him with expenses for obtaining of it.

Because it was reported by some of the Brethren, that notwithstanding of the Acts of the Assemblies preceeding, against Sailers and Traffickers with *Spaine*, the said Traffick was not intermitted. The Assembly ordained the Act, made anent the said Traffickers, to be put to farther execution in all points, without respect of Persons.

In the General Assembly holden at *Montrose* in *March* 1600. because it was reported, that some abstained from the Communion under colour of deadly feuds, and other light causes, it was ordained, that the Presbyteries command every Particular Minister within their bounds, to take up the names of all within their Parish, that they may Communicat every year once at the least; and thereafter summon them to compear before the Presbyteries, to hear & see themselves ordained to Communicat within three moneths next after the charge, with certification if they fail. the Act of Convention, made against *non-communicants*, shall be put in execution against them; and if they remain obstinat, after the expiring of three Moneths, that the Presbytery delate their names to the Kings *Maj.* to the effect the foresaid Act of convention may be put in execution against them: And where there is not a Minister in the Parish, that this order be supplied by the Presbytery where the Parish lyeth.

Because diverse and great inconveniences arise by untimous marriage of young and tender Persons, before they come to age meet for marriage, it is ordained, that no Minister within this Realm presume to joyn in matrimonie any Persons, in time coming, unless the man be 14. years of age, and the woman 12. compleet; and that the Commissioners of the General Assembly seek to have this statute ratified in the Convention.

Because the marriage of Persons convict of Adultery, is a great allure-ment to commit the said crime, it is thought expedient, that a Supplication be given in to the next Convention, to crave an Act to be made, discharging the marriage of all such Persons as are convict of Adultery, and that the same be ratified at the next Parliament.

The Question being moved, if it be Lawful, where Congregations are so spacious, that a great part of the same may not commodiously resort to their own Parish Kirk, by reason of the great distance of the same, that a number of the said Congregation build a new Kirk, and intertain a Pastor upon their own expenses? The Assembly after long reasoning thought it Lawful, and declared they would Assist the same, as a Godly work, and crave the same to be ratified in Parliament, so oft as it shall occurre.

As it was agreed, that where the Congregations are spacious, and a great part of the Congregation, far distant from the Parish Kirks, may build a Kirk for themselves, if they intertain a Pastor: So likewise were some Kirks united, by reason that the number of the Parshioners of

both would make but one sufficient Congregation, the distance not great, and in respect of the impossibilitie of moyen to sustain two Ministers.

The Question being moved, whether a blind man may discharge all the points of the Office of a Pastor; and specially about the admission of *Mr John Boyle* to the Ministry of *Jedburgh*, he being blind, The Assembly referred the answer unto the general question to the next General Assembly: And as to the admission of *Mr John Boyle*, referred his trial to the Commissioners of the General Assembly; & in the mean time discharged him to use any part of the Office of a Pastor, except the preaching of the word.

In the Assembly holden in the Royal Chappel at *Halyrudhouse* in November 1602. It was ordained, that in all time coming the licence, to be granted to any beneficed Person to set Tacks, be restrained, either to a liferent Tack, or to a nineteen year Tack allanerly.

Touching the Act made before, against such as abstain from the Communion either for Popery, or under colour of deedly feods, the Assembly ordaineth, that every one of the Ministry keep this order following within his Parish, to wit, that he warne such Persons by the space of

Moneths before the Communion, to prepare themselves for the same; which being done, and they disobeying, that every Minister incontinent thereafter send the names of the disobedient, subscribed with his hand, to any of the Kings Maj. Ministers, who shall intimat the same to his Maj. and to his H. Treasurer, to the effect that his H. Treasurer may put the Acts, made against non-Communicants, to execution against them: And that every Presbytery command the Ministry within their Presbytery to be diligent in execution of this Act.

The Assembly, considering that the Conventions of people, specially on the Sabbath day, are very rare in many places, by reason of the distraction through labour, not only in harvest and seed time; but also every Sabbath day by fishing both of white fish and salmon fish, and going of Milnes: The Assembly dischargeth and inhibiteth all such labour of fishing, as well white fish, as Salmon fish, and going of milnes of all sorts, upon the Sabbath day, under the pain of incurring the Censures of the Kirk, and ordains the Commissioners of this Assembly to mean the same to his Maj. and to desire, that a pecunial Summe may be appointed for the contraveeners.

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